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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHLEY M. GJOVIK,
an individual,

Plaintiff,

vs.

APPLE INC.,
a corporation, et al.,

Defendant.

D.C. Case No. 3:23-CV-04597-EMC

Ninth Circuit Case No. 24-6058

PLAINTIFF'S FIFTH

AMENDED COMPLAINT

Nov. 20 2024, Abbreviated Version

No substantive changes from Dkt. 128.

Claims: Civil Litigation

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SUMMARY OF THE CASE

1. This lawsuit arises from Apple Inc’s (“(Defendant”), or “Def.”) reckless disregard of environmental regulations and safety requirements at two different Silicon Valley properties, and subsequent

1 concealment of their unlawful acts ~~and~~ the extensive harm they caused.

2 2. In 2020, Apple severely injured ~~and~~ nearly killed Ashley Gjovik (~~“(Plaintiff”), or “Pl.”~~) with
 3 Apple’s unlawful toxic waste dumping from a stealth semiconductor fabrication facility in Santa Clara,
 4 California. (~~Gjovik~~ Cal. (Pl. did not discover that Apple was responsible for her injuries until 2023, but Apple
 5 is believed to have known by mid-2021). In 2021, ~~Gjovik~~ Pl. also exposed that Apple was violating health,
 6 safety, ~~and environmental~~ env. rules ~~and~~ regulations at her team’s office located on a triple Superfund
 7 site in Sunnyvale, California (“the Triple Site”).¹

8 3. ~~Gjovik~~ Pl. filed ~~environmental~~ ~~and~~ env. & safety complaints ~~and~~ partnered with numerous
 9 ~~government~~ gov. agencies to document ~~and~~ investigate the issues. Apple repeatedly made statements to
 10 ~~Gjovik~~ Pl. instructing her not to talk to her coworkers or the ~~government~~ gov. about her safety ~~and~~
 11 ~~compliance~~ & compl. concerns, pressured her to not ask questions, prevented her from gathering evidence,
 12 ~~and~~ attempted to conceal their unlawful activities from her ~~and~~ from the government.

13 4. Apple ~~management~~ mgmt. retaliated against ~~Gjovik~~ Pl. as soon as ~~Gjovik~~ Pl. started asking questions
 14 ~~and~~ expressing concerns, repeatedly said the retaliation was because of her safety ~~and environmental~~ & env.
 15 complaints, they incited ~~and~~ encouraged others to harass ~~and~~ intimidate ~~Gjovik, and~~ Pl., & Apple took
 16 negative employment actions against ~~Gjovik~~ Pl. in an attempt to coerce her to quit the company; but when
 17 she did not quit, Apple fired her.

18 5. Apple’s explanation for terminating ~~Gjovik~~ Pl. has changed multiple times, was not shared at all with
 19 ~~Gjovik~~ Pl. until a week after her termination, ~~and~~ the proffered reason is pretextual but unlawful itself. Over
 20 three years later, Apple still has not disclosed who initiated the decision to terminate ~~Gjovik’s~~ Pl.’s
 21 employment ~~and~~ has refused ~~Gjovik’s~~ Pl.’s requests for them to provide this ~~information~~ info.

22 6. During Apple’s marathon of retaliation against ~~Gjovik~~ Pl. in 2021, ~~Gjovik~~ Pl. was in law school
 23 studying to become a human rights lawyer. She was in a unique position to effectively report serious
 24 ~~environmental~~ ~~and~~ env. & safety issues, ~~and~~ to lobby for general policy reform. ~~Gjovik~~ Pl. utilized her
 25 knowledge, experience, ~~and~~ resources to confer with numerous ~~government~~ gov. agencies, to meet with a
 26 variety of elected officials ~~and~~ their staff, to publish op-eds calling for new legislation, was interviewed
 27 _____

28
¹ The “Triple Site” refers to three specific toxic waste dumps in Sunnyvale, California with a merged mega plume of solvent pollution in the groundwater. One of the three plumes (the “TRW Microwave” site) is directly beneath Gjovik’s office.

1 ~~and~~ written about by the press, ~~and~~ served as a witness for ~~government~~ gov. agencies ~~and legislative~~ & leg.
2 committees.

3 7. ~~GjovikPl.~~ spoke out publicly, organized with her coworkers, lobbied on their behalf, ~~and~~ called for
4 systemic change with Apple's ~~environmental and env.~~ & labor practices. ~~Gjovik'sPl.'s~~ public advocacy also
5 brought awareness to her prior neighbors of the pollution issues where she had lived in 2020, leading to
6 additional chemical exposure victims coming forward ~~and~~ joining ~~GjovikPl.~~ in complaining to the
7 ~~government and gov.~~ & requesting help.

8 8. — In 2021, ~~GjovikPl.~~ filed timely retaliation ~~and discrimination~~ & ~~discrim.~~ complaints with
9 multiple ~~administrative admin.~~ agencies including the U.S. NLRB, U.S. EEOC, U.S. ~~Dept. of Labor,~~
10 ~~California Dept. of Labor, and California~~ DOL, Cal. DOL, & Cal. DFEH. The U.S. EEOC ~~and state~~ & DFEH
11 claims were merged into this civil lawsuit. The U.S. ~~Dept. of Labor CERCLA~~ DOL whistleblower retaliation
12 case is currently with the Administrative Review Board.²

13 9.8. ~~The~~ U.S. NLRB is actively prosecuting Apple over their unlawful employment policies, per
14 ~~Gjovik'sPl.'s~~ Oct. 2021 charge. NLRB will initiate prosecution imminently against Apple for its retaliation
15 ~~and~~ unfair labor practices committed against ~~Gjovik,Pl.,~~ including suspending her ~~and~~ terminating her
16 employment.³ [29 U.S. Code § 158].

17 10.9. Over the last three years, due to ~~Gjovik'sPl.'s~~ investigations ~~and~~ advocacy, there have been
18 multiple ~~government gov.~~ inspections of Apple's two facilities noted above, resulting in citations for
19 ~~environmental and env.~~ & safety regulatory violations, ordered corrective actions, ~~and~~ required monitoring.
20 ~~GjovikPl.~~ still speaks with the U.S. EPA ("~~EPA~~") regularly as a community advocate about Apple ~~and~~ the
21 two facilities. Apple continued harassing ~~and~~ retaliating against ~~GjovikPl.~~ after she was fired ~~and~~ through
22 current day, intentionally interfering with ~~and~~ severely damaging her career, reputation, relationships,
23 finances, physical condition, mental health, ~~and~~ just about every other aspect of her life.

JURISDICTION & VENUE

25 11.10. The ~~United States District~~ U.S. Dist. Courts have diversity jurisdiction over this case because
26 the amount in controversy exceeds \$75,000 ~~and~~ the parties are of diverse state citizenship. [28 U.S.C. §

² *Ashley Gjovik v Apple Inc.*, 2024-CER-00001 (OALJ), 2024-0060 (ARB); CERCLA 42 U.S.C. §9610, Clean Air Act 42 U.S.C. §7622, RCRA 42 U.S.C. §6971, TSCA 15 U.S.C. §2622

³ NLRA 29 U.S. Code §158

1 1332]. When the complaint was filed, Pl. was domiciled in the state of NY & is now domiciled in the
 2 Commonwealth of Massachusetts. Def. is a corporation hq'd in Cal. Venue is proper in Dist. Court of Nor.
 3 Cal. because Apple is headquartered & operates in this district. Many of Pl.'s claims arose from acts,
 4 omissions, & injuries within the Dist. of Nor. Cal. [Civil L.R. 3-5(b)].

5 12.——When the complaint was filed, Plaintiff was domiciled in the state of New York and is now
 6 domiciled in the Commonwealth of Massachusetts. Defendant is a corporation headquartered in California.

7 13.——Venue is proper in the District Court of Northern California because Apple is headquartered
 8 and operates in this district. Many of Gjovik's claims arose from acts, omissions, and injuries within the
 9 District of Northern California. [Civil L.R. 3-5(b)].

10 PARTIES

11 14.——Ashley Gjovik⁴ (“Plaintiff”), (“Pl.”), is a natural person currently domiciled in Boston,
 12 Massachusetts. ~~Gjovik~~Pl. holds a recently awarded Juris Doctor degree from Santa Clara University School
 13 of Law ~~and~~ is appearing Pro Se.⁵

14 15-11. ~~Gjovik~~ Pl. is a 38-year-old white woman with multiple disabilities including ADHD, PTSD,
 15 anxiety, panic disorder, depression, & autism. Pl. was an employee of Apple Inc from Feb. 2015 through
 16 Sept. 2021. Pl. held a leasehold at a Santa Clara residential property at 3255 Scott Blvd, adjacent to Apple's
 17 semiconductor fab. at 3250 Scott Blvd in Feb. 2020 through Oct. 2020. ~~and autism~~Pl. established a
 18 consulting LLC in Cal. in 2022, which she continues to manage with a virtual office in Sacramento. The
 19 LLC address is used on papers for privacy.

20 16.——Gjovik was an employee of Apple Inc from Feb. 2015 through Sept. 2021.

21 17.——Gjovik held a leasehold at a Santa Clara residential property (3255 Scott Blvd) adjacent to
 22 Apple's semiconductor fabrication facility (3250 Scott Blvd) in Feb. 2020 through Oct. 2020.

23 18.——Apple Inc., (“Defendant”), is a business engaged in ~~and~~ affecting interstate commerce
 24 ~~and~~ a covered entity under the federal statutes at issue here.⁶ Apple is a corporation ~~headquartered~~hq'd at
 25 One Apple Park Way in Cupertino, ~~California~~Cal. Apple says it “*designs, manufactures and* markets

26 _____

27 ⁴Pronounced “JOE vik”

28 ⁵Gjovik established a consulting LLC in California in 2022, which she continues to manage with a virtual office in Sacramento at 2108 N St. Ste. 4553 Sacramento, CA, 95816. The LLC address is used on papers for privacy.

⁶“Apple” refers to its successors and assigns; controlled subsidiaries, divisions, groups, affiliates, partnerships, and joint ventures; and their directors, officers, managers, agents, and employees.

1 smartphones, personal computers, tablets, wearables ~~and~~ accessories, ~~and~~ sells a variety of related services.” As
 2 of Nov. 2024, Apple Inc. claimed a market cap of \$3.4 trillion ~~and~~ 4T & annual revenue of \$394.33 billion.⁷
 3 19.12. 33B. At all pertinent times, Apple was the tenant ~~and~~ operator controlling the facilities at
 4 both 825 Stewart Dr. in Sunnyvale ~~and~~ 3250 Scott Blvd. in Santa Clara, California ~~Cal~~. At both properties,
 5 Apple registered its state ~~and~~ federal RCRA activities under its own name ~~and~~ with Apple EH&S as the
 6 contact for the ~~government and gov.~~ & public.

7 PROCEDURAL HISTORY

8 20.13. ~~Gjovik Pl.~~ now files her ~~Fif~~ 5th Amended Complaint (“5-AC” ~~Gjovik~~), in an abbreviated
 9 version but with the same substantive content as the prior 5-AC version. ~~Pl.~~ filed her original complaint on
 10 Sept. 7 2023. The ~~Fir~~ 1st Amended Complaint was filed in Oct. 2023 per stipulation, in order to allow Apple
 11 more time to prepare, as needed due to Apple’s delayed arrival in court. The ~~Second~~ 2nd Amended
 12 Complaint was filed on Dec. 21 2023 as a matter of course but was dismissed sua sponte by this court without
 13 prejudice ~~and~~ with leave to amend on Jan. 30 2024, ordering ~~Gjovik Pl.~~ to reduce the complaint length by
 14 over 500 pages. The ~~Thi~~ 3rd Amended Complaint was filed on Feb. 27 2024, met with a Motion to Dismiss
 15 ~~and~~ Motion to Strike, ~~and~~ was ruled upon with a decision ~~and~~ order issued May 20 2024. The
 16 ~~Fourth~~ 4th Amended Complaint was filed on June 18 2024, also met with Motions to Dismiss ~~and~~ Strike,
 17 ~~and~~ was ruled upon with a decision ~~and~~ order issued Oct. 1 2024. ~~Gjovik Pl.~~ was ordered to revise her
 18 complaint again.

19 21.14. On Oct. 1 2024, ~~Gjovik Pl.~~ filed an appeal to the ~~Nin~~ 9th Circuit Court of Appeals, contesting
 20 denied injunctions, collateral orders, ~~and~~ the dismissal with prejudice of dozens of her claims mostly due
 21 to discretionary procedural reasons not related to the potential merit of the claims. ~~Gjovik Pl.~~ filed a pending
 22 Motion to Stay pending appeal.

23 22.15. If the ~~Nin~~ 9th Circuit accepts the appeal, ~~Gjovik Pl.~~ intends to appeal at least the dismissals of
 24 her claims for RICO §§ 1962(a) ~~and~~ 1962(d); RICO §§ 1962(c) ~~and~~ 1962(d); whistleblower retaliation
 25 under the Sarbanes–Oxley ~~and~~ Dodd-Frank Acts; violations of the Bane Civil Rights Act ~~and~~ the Ralph
 26 Civil Rights Act; Ultrahazardous Activities; Absolute Nuisance; Nuisance Per Se; Cal. Business ~~and~~
 27 Professions Code §§ 17200 *et seq.*; Cal. Labor Code § 6399.7 ~~and~~ the “Right to Know” generally; Breach
 28 _____

⁷ Apple Inc., 2024 10K, <https://investor.apple.com/sec-filings/default.aspx>

1 of the Implied Covenant of Good Faith ~~and~~ Fair Dealing; Negligent Infliction of Emotional Distress; IIED
 2 with a basis of defamation ~~and~~ accusations of dishonesty; retaliation for protected labor complaints about
 3 slavery, apartheid, genocide, ~~and~~ “Muslim human rights”; ~~and~~ whistleblower protection for protected
 4 disclosures about smuggling, violations of sanctions, violations of ~~environmental~~ env. laws, federal crimes
 5 committed in furtherance of violations of ~~environmental~~ env. laws, racketeering, ~~and~~ certain privacy
 6 invasions violating the ~~California~~ Cal. Constitution.

7 STATEMENT OF FACTS

8 23.16. **Location 1: 3250 Scott Blvd, Santa Clara:** In early 2015, Apple started stealth
 9 semiconductor fabrication (“fab.”) activities in a facility located at 3250 Scott Blvd. in Santa Clara,
 10 ~~California.~~ Cal. Like some sort of ~~S~~skunkworks, Apple codenamed the facility “ARIA” ~~and~~ even tried to
 11 use the codename on regulatory paperwork.

12 24.17. The ARIA ~~semiconductor fabrication facility~~ fab. operated less than ~~three hundred feet~~ 300 ft
 13 from thousands of homes where ~~Gjovik~~ Pl. lived in 2020 (~~the Santa Clara Square Apartments~~), “SCSA”.
 14 Also within 300 ft from the building were two public parks (Creekside Park ~~and~~ Meadow Park), picnic
 15 tables, outdoor fitness stations, ~~and~~ a children’s playground. Within ~~1,000 feet~~ 1000 ft of ARIA there was
 16 also a church, a school, ~~an~~ elder care facility, ~~and~~ the San Tomas Aquino Creek ~~and~~ public trail. (~~San~~
 17 ~~Tomas Aquino~~ the Creek flows to the SF Bay ~~and~~ then into the Pacific Ocean).

18 25.18. Upon initiating operations at ARIA, Apple was quickly cited for building,
 19 ~~environmental,~~ env. health, safety, ~~and~~ fire code violations in at least 2015 (stop work order due to
 20 construction without permits), 2016 (spill of cooling water into storm drains, fire code ~~and~~ Cal ASPA ~~& Cal.~~
 21 ASPA violations, health ~~and~~ safety code violations, failure to properly monitor wastewater discharge), 2019
 22 (wastewater testing violations), 2020 (fire code violations, using two EPA ~~identification~~ ID numbers,
 23 inaccurate hazmat inventory data, no spill plans or training, no business permit, no signature from supervisor
 24 on records, ~~and~~ failure to properly monitor wastewater discharge again).

25 26.19. Apple intentionally vented its ~~fabrication~~ fab. exhaust—, unabated—~~and~~, ~~&~~ consisting of toxic
 26
 27
 28

⁸ “Semiconductor Fabrication Facility: A building or a portion of a building in which electrical circuits or devices are created on solid crystalline substances having electrical conductivity greater than insulators but less than conductors. These circuits or devices are commonly known as semiconductors.” Cal. Fire Code § 202 (2022).

1 solvent vapors, gases, ~~and&~~ fumes—, into the ambient outdoor air. The factory was one story, while the
 2 apartments were four stories ~~tall~~high, creating a high likelihood that Apple's factory exhaust entered the
 3 interior air of the apartments through open windows ~~and&~~ the 'fresh air intake' vents.

4 27.—City Fire Dept. records for ARIA contain at least sixteen chemical spill/leak incident reports
 5 at ARIA within only three years. These incident reports included eight confirmed leaks/spills: leaks of
 6 phosphine ~~and&~~ silane on June 1 2019 ~~at 9:17 AM~~; a phosphine leak on Oct. 21 2019 ~~at 11:06 PM~~; a Tetraethyl
 7 Orthosilicate ("TEOS") leak on July 17 2020 ~~at 8:58 AM~~; a major phosphine leak on April 30 2021 ~~at 8:29~~
 8 ~~AM~~; a 5% fluorine gas leak on April 18 2022 ~~at 10:42 AM~~, a Hexafluorobutadiene leak on May 29 2022 ~~at~~
 9 ~~2:19 PM, and, &~~ leaks of two unnamed toxic gases on Sept. 20 2022 ~~at 7:44 AM and&~~ Dec. 21 2022 ~~at 1:40~~
 10 ~~AM.~~

11 28.20. Further, later in 2021-2022, Apple reported to the governmentgov. that in the year 2020,
 12 Apple released at least 7.8 tons (15,608 pounds) of VOCs ~~and&~~ 260 pounds of the combustible solvent N-
 13 Methyl-2-pyrrolidone (NMP) into the exterior air around ARIA. In 2022, the ~~U.S.~~ EPA severely restricted
 14 the legal use of NMP as "*it presents an unreasonable risk of injury to human health*" under TSCA.

15 29.21. Per a review of Apple's manifests, Apple did not replace the carbon/charcoal in its exhaust
 16 system for over five years, with the first replacement occurring Dec. 14, 2020 – only after GjovikPl. had
 17 notified Apple EH&S ~~and environmental& env.~~ legal about what occurred to her near ARIA. Apple also
 18 reported to the Bay Area Air Quality Management ~~Board (BAAQMB) (Boar,~~ in difficult to find agency
 19 filings), that in at least 2019-2021, ARIA exhausted reportable amounts of mercury, arsenic, carbon
 20 monoxide, ~~and&~~ formaldehyde into the ambient air around the factory.

21 30.22. Apple's leaks, spills, ~~and&~~ releases were not limited to the air. Apple's wastewater discharge
 22 monitoring repeatedly showed the presence of heavy metals ~~and&~~ organic solvents. In 2017, the
 23 governmentgov. mandated testing revealed the presence of 29 µg/L of 1,1-Dichloropropane, 24 µg/L of
 24 Trichloroethylene ("TCE"), ~~and&~~ 6.7 µg/L of Ethyl tertiary-butyl ether (ETBE). Among other issues, it's
 25 unclear why Apple had TCE on site but not in any of its chemical inventories, ~~and&~~ then, in addition, why
 26 exactly Apple was pouring that TCE down the drain.

27 31.23. ARIA reported an average daily water usage of around 44,000 gallons per day ~~and&~~ the
 28 sewer pipes carrying ARIA's discharges flowed downhill ~~and&~~ directly around the apartment where
GjovikPl. lived in 2020. In 2020, the governmentgov. had already started investigating the plumbing at her
 apartment as a possible vector for some unknown solvent vapor pollution.

1 32.24. Apple was fully aware of this facility ~~and~~ its operations, including the vast amount of
 2 ~~hazardous~~ materials ~~and hazardous~~ waste, as every year, Apple submitted a financial assurance
 3 document to the Santa Clara Fire Dept. ~~and HazMat agency~~, which detailed ~~hazardous~~ waste treatment
 4 ~~and~~ disposal operations, ~~and is personally~~ was signed by Apple's ~~Chief Financial Officer~~ CFO, Luca
 5 Maestri – including affixing a company seal. Each financial assurance filing also attached a detailed
 6 confirmation letter from Apple's third-party auditor, E&Y, on behalf of Apple. Maestri was also on the email
 7 distribution list for notification of ~~hazardous~~ waste violations at the facility.

8 33. — Gjovik's Pl.'s Chemical Injuries in 2020: In Feb. 2020, Gjovik Pl. moved into a large, new
 9 apartment at the ~~Santa Clara Square Apartments~~ SCSA (adjacent to ARIA) ~~and~~ quickly became severely
 10 ill. Gjovik Pl. suffered severe fainting spells, dizziness, chest pain, palpitations, stomach aches, exhaustion,
 11 fatigue, ~~and~~ strange sensations in her muscles ~~and~~ skin. Gjovik Pl. also suffered bradycardia (~~slow heart~~
 12 ~~rate~~), volatile ~~blood pressure~~ B.P. with ~~both~~ hypertension ~~and~~ hypotension ~~and~~ a high frequency of
 13 premature ventricular contractions (~~an arrhythmia~~).

14 34.25. From Feb. ~~2020 through~~ Sept. 2020, Gjovik Pl. was screened for multiple severe ~~and~~ fatal
 15 diseases ~~and~~ disorders, including ~~Multiple Sclerosis, M.S.,~~ brain tumors, deadly arrhythmias, ~~and~~
 16 ~~Neuromyelitis Optica – & NMO – but~~ instead, all of Gjovik's Pl.'s symptoms were consistent with chemical
 17 exposure. Due to the solvent exposure, Gjovik Pl. also suffered skin rashes, burns, ~~and~~ hives, ~~and~~ her hair
 18 fell out ~~and~~ she had a shaved head for nearly a year as the bald patches slowly grew back.

19 35.26. Due to the sudden illness, Gjovik Pl. visited the ~~Emergency Room~~ E.R. on Feb. 13 2020, ~~and~~
 20 Urgent Care (at AC Wellness, Apple's for-profit ~~in-house~~ clinic) on Feb. 20 2020. Gjovik Pl. subsequently
 21 consulted with dozens of ~~doctors~~ dr.s, who screened her for all sorts of diseases, subjecting Gjovik Pl. to
 22 extensive blood draws, urine samples, injections, ~~and~~ scans – including potentially dangerous procedures
 23 like MRI ~~and~~ CT scans with contrast, of which Gjovik Pl. had multiple. Gjovik Pl. was too sick to work ~~and~~
 24 went on disability.

25 36.27. Gjovik Pl. transitioned her medical care to a different clinic ~~and~~ provider after her Apple
 26 primary care provider at AC Wellness refused to help her triage her 2020 medical issues (due to exposure to
 27 Apple's factory exhaust). Instead, she suggested Gjovik Pl. could be suffering from anxiety, ~~and~~ enrolled
 28 Gjovik Pl. in an Apple internal user study related to ~~blood pressure~~ B.P., requiring Gjovik Pl. share her iPhone
 medical ~~and~~ fitness data with Apple, ~~and~~ participate in weekly life coaching sessions (while being exposed
 to Apple's solvent vapor ~~and~~ gas exhaust).

37:28. While sick in 2020, GjovikPl. would wake up occasionally at 3 AM feeling like she was dying and& with symptoms of heart failure and& asphyxia. Heart monitoring showed arrhythmias, bradycardia, and& low ~~blood pressure~~B.P. On Sept. 2 2020, GjovikPl. discovered elevated levels of volatile organic compounds (“VOCs”) in her ~~indoor air~~home. What immediately captured Gjovik’sPl.’s attention was the large spike in VOCs had occurred the night prior, around 3 AM, while she had been suffering from ~~one of~~ these “dying” spells.

38:29. GjovikPl. sought out multiple occupational ~~and environmental~~& env. exposure ~~doctors~~dr.s, who told GjovikPl. that all of her symptoms were consistent with solvent and& other ~~chemical~~ exposures.chem. exposure. After GjovikPl. discovered her medical issues at the apartment were due to a ~~chemical~~ emergency, GjovikPl. quickly filed complaints with Santa Clara City HazMat// Fire Dept., Cal. EPA DTSC ~~and Air Resources Board, and U.S. & BAAQMD, & EPA.~~ She also called Poison Control, who said what she described also sounded like Benzene exposure. (Note: Apple reported it was exhausting benzene into the air).

39:30. Notably, almost all of the reported toxic gas leaks during the time frames GjovikPl. had complained in 2020 that her symptoms seemed to always be the worst around 8-9 AM, 10-11 PM, and& sometimes around 2-3 AM. One of the ~~chemical~~few chem. spills that did not occur during those times ~~of~~ concern was root caused to an Apple engineer “accidently” turning on lethal fluorine gas. Similarly, another incident, ~~the TEOS leak,~~ was root caused to an Apple engineer accidently installing the gas for a tool “backwards.” ~~Further, less~~Less than ~~two~~2 weeks following the April ~~30~~-2021 phosphine leak, Apple’s manifests included ~~sixty pounds~~60lbs of “*vacuum filters contaminated with glass dust,*” implying there may have ~~also~~ been a phosphine explosion.

40:31. The TEOS leak occurred on July 17 2020, ~~and that.~~ That day GjovikPl. was suddenly covered in hives, rashes, ~~and other skin~~& skin abnormalities. She ~~called and got a same day visit with~~ visited a dermatologist who had no idea what ~~was causing Gjovik’s issues~~caused the rash.

41:32. In Sept. 2020, GjovikPl. hired an industrial hygienist to test the indoor air at her apartment. She purchased an inspection, soil testing, and& a two-hour sorbent tube-based TO-17 air panel. Only half the total contaminants were accounted for in the test and& the ~~California~~Cal. EPA informed her that testing with Summa canisters for ~~24 hours~~24hrs is superior and& would have yielded better results. Still, Gjovik’sPl.’s limited testing returned results showing a number of the chemicals in use by Apple at ARIA

1 including ~~Acetone, Acetonitrile, Acetaldehyde, Benzene, 1,2-Dichloroethane, Ethanol, Ethylbenzene,~~
 2 ~~Hexane, Isopropanol, Isopropyl toluene, Methylene Chloride, Toluene, and Xylene~~ acetone, acetonitrile,
 3 acetaldehyde, benzene, 1,2-dichloroethane, ethanol, ethylbenzene, hexane, isopropanol, isopropyl toluene,
 4 methylene chloride, toluene, & xylene.

5 42.33. In Sept. 2020, GjovikPl. set up additional air monitors to observe the levels of VOCs in her
 6 apartment next to the ARIA factory (though she was not aware of the factory exhaust at that time). The
 7 results of the data validated what GjovikPl. had noticed with her symptoms ~~and~~ & ad hoc testing – that the
 8 VOCs mostly spiked early in the morning ~~and~~ & late at night as if they were being exhausted from an
 9 automated mechanical system (which it was). GjovikPl. notified several Apple executives of her findings
 10 ~~and~~ & activities, including her managers Powers (~~Director~~) ~~and~~ & West (~~Sr. Director~~), & her friends J.C.
 11 (~~Senior Director~~) ~~and~~ & A.A. (~~Senior Manager~~).

12 43.34. In Sept. 2020, Gjovik'sPl.'s blood ~~and~~ & urine medical tests returned results with industrial
 13 chemicals, including arsenic, mercury, toluene, ~~and Xylenes~~ & xylenes. Also noteworthy are the symptoms
 14 of Gjovik'sPl.'s 3 AM attacks, (including both subjective reporting ~~and~~ & physical real-time heart
 15 monitoring) match ~~Phosphine and Arsine~~ phosphine & arsine gas exposure. Both ~~Phosphine and~~
 16 ~~Arsine~~ phosphine & arsine are very dangerous, exposure can be fatal, ~~and~~ & there are no antidotes. Apple has
 17 a significant quantity of ~~A~~ arsine gas ~~on-site, and Gjovik'sonsite, & Pl.'s~~ medical tests from Sept. 2020, on
 18 the morning after ~~one of the~~ 3 AM attacks, revealed significant arsenic in her blood with no other
 19 explanation than ~~A~~ arsine gas exposure within the prior ~~eight hours.~~ 8hrs.

20 44.35. In Sept. 2020, GjovikPl. noticed an Apple facility at ~~3250 Scott Blvd.~~ ARIA, across the street,
 21 which was also on the Superfund groundwater plume. GjovikPl. mentioned the facility to Apple on at least
 22 Sept. 8, 9, 10, ~~and~~ & 13, 2020 – inquiring if anyone was familiar with the area because Apple had an office
 23 there. Apple EH&S ~~and Gjovik(Elizabeth) & Pl.~~ had at least two phone calls. The woman who responded
 24 who was also actually in charge of Real Estate/EH&S teams involved in ~~Gjovik's Superfund office at 825~~
 25 ~~Stewart Dr. ("Stewart 1") and SD01~~ & the activities at ARIA. In Sept. 2020, ~~the Apple EH&S manager,~~
 26 Elizabeth, suggested that GjovikPl. use a special paid leave to move out of the apartment called 'extreme

27

28

⁹ ~~US CDC, NIOSH, Arsine Emergency Response.~~

1 *condition leave*’ designated for disasters. Later, in Sept. 2021, Apple Employee Relations, (“E.R.”), Waibel,
2 conferred with Elizabeth about Gjovik’s environmental Pl.’s env. concerns only hours before Gjovik Pl. were
3 abruptly terminated.

4 45:36. In Oct. 2020, Gjovik Pl. asked her manager from Apple Legal, Joyce, if she knew anyone who
5 practiced environmental env. law because Gjovik Pl. may be interested in the field and& wanted to learn more.
6 Gjovik Pl. was introduced to Deborah Rubenstein, (D.R.), Apple’s EH&S counsel. Rubenstein D.R. met with
7 Gjovik Pl. twice on a video chat, on Nov. 2 2020 and& Nov. 6 2020. Gjovik Pl. spoke about her experience in
8 2020 and& what she had learned about remediation sites. During the conversation the lawyer admitted to
9 Gjovik Pl. that Apple did not have EH&S counsel prior to her, that she was still catching up, that Apple
10 needed to be doing inspections and& testing that it had not done, and& she was trying to get them to start
11 soon. D.R. was Apple’s legal representative with the EPA for the Aug. 2021 inspection of Pl.’s Superfund
12 office. D.R. was & is likely also in charge of EH&S legal matters for ARIA.

13 46.—Rubenstein was Apple’s legal representative with the U.S. EPA for the Aug. 2021 inspection
14 of Gjovik’s Superfund office. Rubenstein was and is likely also in charge of EH&S legal matters for ARIA.

15 37. On Feb. 21 2023, Gjovik Pl. discovered the semiconductor fabrication (“fab”) activities at ARIA.
16 Gjovik Pl. posted on Twitter in real-time as she learned about it, expressing severe distress.¹⁰

17 APPLE IS DOING LITERAL ACTUAL [expletive] SILICON FAB 0.2 MILES (0.3 KM) FROM THE
18 APARTMENT WHERE I GOT SO SICK I THOUGHT I WAS DYING & APPLE VENTED THAT
19 [expletive] INTO THE AIR FROM THEIR ROOF & THE YARD NEXT TO THEIR “GAS BUNKERS”
RIGHT INTO MY 3RD FLOOR APARTMENT.” - @ashleygjovik (Feb. 21 2023 11:29 PM).

20 47:38. Until that day, Gjovik Pl. did not know it was Apple who was responsible for making her so ill
21 in 2020. Further, until that day, Gjovik Pl. did not know the chemicals she was exposed to in 2020 were
22 potentially lethal to human life.

23 48:39. Gjovik Pl. undertook months of research about the facility at 3250 Scott Blvd ARIA,
24 consulting with more experts, meeting with government gov. agencies, requesting more public records, and&
25 drafting a formal complaint. On June 23 2023, Gjovik Pl. filed complaints about ARIA to the U.S. EPA,

26

27

28 ¹⁰ “APPLE IS DOING LITERAL ACTUAL GODDAMN SILICON FAB 0.2 MILES (0.3 KM) FROM THE
APARTMENT WHERE I GOT SO SICK I THOUGHT I WAS DYING & APPLE VENTED THAT SHIT INTO
THE AIR FROM THEIR ROOF & THE YARD NEXT TO THEIR “GAS BUNKERS” RIGHT INTO MY 3RD
FLOOR APARTMENT.” - @ashleygjovik (Feb. 21 2023 11:29 PM).

1 CalEPA, the city of Santa Clara, ~~and~~ Santa Clara County. GjovikPl. drafted a 28-page memo with dozens
2 of exhibits. GjovikPl. also posted on Twitter that she did so ~~and~~ provided a public link.

3 49.—A manager in U.S. EPA's ~~Enforcement and Compliance Assurance Division~~ Enf. & Compl.
4 div. for ~~Hazardous~~ Haz. Waste ~~and~~ Chemicals ~~Section~~ confirmed receipt on June 20 2023 ~~and~~ told
5 GjovikPl. they were reviewing the complaint ~~and~~ documents she provided. She had a call with the manager
6 on June 21 2023. An inspector was assigned, ~~and~~ a formal investigation was opened around July 12 2023.
7 ShePl. met with the ~~investigator several times and provided additional evidence and records, leading up to~~
8 ~~the EPA's Aug. 17-18 2023 unannounced onsite inspections of 3250 Scott Blvd.~~

9 50.40. ~~The U.S. EPA team responded and took the lead on an investigation of the hazardous waste~~
10 ~~activities at 3250 Scott Blvd. Gjovik met with the U.S. EPA's RCRA Enforcement & Compliance~~ Enf. &
11 Compl. team several times before they then inspected Apple's factory in Aug. 17 ~~and~~ 18 2023 ~~and~~ Jan.
12 16 2024. The Aug. 17, 2023 inspection was coded as an RCRA "~~Compliance~~ Evaluation Inspection," defined
13 as "*primarily an on-site evaluation of the compliance status of the site about all applicable RCRA Regulations* ~~and~~
14 *Permits.*"¹¹ The Jan. 16, 2024 inspection was coded as a "*Focused Compliance* Inspection."¹²

15 51.41. Per the formal report, the U.S. EPA inspectors identified at least 19 unique violations of the
16 RCRA at ~~3250 Scott Blvd~~ ARIA, including provisions ~~which have~~ with both civil ~~and~~ criminal
17 ~~enforcement~~ enf. Apple was found to be illegally treating, storing, disposing, ~~and~~ transporting
18 ~~hazardous~~ haz. waste without permits, manifests, or other required documentation. U.S. EPA also found
19 Apple was emitting exhaust from its ~~fabrication~~ fab. activities through a system that did not have required
20 permits ~~and~~ did not have any monitoring. The U.S. EPA also found Apple was storing ~~hazardous~~ haz. waste
21 unlabeled ~~and~~ piled in corners, sometimes with lids left off containers so they do not explode, ~~and~~ failing
22 to perform any inspections of the waste on weekends, ~~and~~ instead just hoping for the best until they return
23 on Mondays. The ~~enforcement~~ enf. action(s) are still underway.

24 52.—GjovikPl. started working on her first draft of the complaint in this instant civil lawsuit only
25 on or around Aug. 16 2023 ~~and~~ filed suit on Sept. 7 2023, only two days prior to the statute of limitations
26 expiration for her *Tamney* claim, ~~and~~ after only being able to spend roughly three weeks on research ~~and~~
27 drafting.

¹¹ ~~US Environmental Protection Agency, RCRA, Evaluation Types.~~

¹² ~~US Environmental Protection Agency, ECHO, 3250 Scott Blvd #110001168254.~~

53.42. Gjovik Pl. also filed a complaint with the BAAQMD in July of 2024, which resulted in at least six violation notices thus far; including Rule 2-1-301 failure to obtain “Authority to Construct” (Aug. 29 & Sept. 12 2024); Rule 2-1-302 failure to obtain a “Permit to Operate” (Aug. 29 & Sept. 12 2024); and Rule 9-7-307 for exceeding the “Final Emission Limits” for NOx and CO emissions. These latest citations establish that Apple was not only operating ARIA without required permits, but Apple was also illegally exhausting toxic chemicals.

Location 2: 825 Stewart Dr., Sunnyvale

54.43. Gjovik’s. Pl.’s Apple office at the time of her termination was located at 825 Stewart Dr. in Sunnyvale, California, Cal., also known as the “TRW Microwave” Superfund site, part of the U.S. EPA “Triple Site.”¹³ The “Triple Site” is the collective name for three adjacent Superfund sites in Sunnyvale that have jointly contributed to a mile-long groundwater solvent plume. In addition, the “*Offsite Operable Unit*” is roughly a one-hundred-acre area of groundwater contamination from TRW Microwave. It “*includes four schools and over 1,000 residences.*”

55.44. The “TRW Microwave” Superfund site is a former industrial semiconductor fabrication and fab. & manufacturing facility at 825 Stewart Dr. (“Stewart-1SD01”). The primary contaminants in the groundwater contamination plume are chlorinated volatile organic compounds VOCs, including the carcinogen TCE and its daughter products cis-1,2-dichloroethene and vinyl chloride. The contaminated groundwater under 825 Stewart Dr. is as shallow as only 2.6 feet below the ground surface, with shallow TCE concentrations up to 1,400 µg/L and vinyl chloride up to 51 µg/L.¹⁴

56.45. The Responsible Party under CERCLA, Northrop Grumman, Co. (“NGC”), conducted an initial vapor intrusion (“V.I.”) evaluation at Stewart-1SD01 in 2003 and 2004, which indicated that TCE concentrations in indoor air present an inhalation risk exceeding acceptable health and safety levels, with results at 5.1 µg/m³ and 5.2 µg/m³ respectively.¹⁵ Indoor air pollution due to vapor intrusion V.I. worsened over time, and indoor air concentrations increased to 7.7 µg/m³ in 2013, the “accelerated action level” for TCE in commercial buildings. [In 2024, the U.S. EPA proposed a full ban on TCE as a whole substance in

¹³ U.S. EPA, Triple Site Profile—Background.

¹⁴ AECOM and GES for Northrop Grumman, 2021 Annual Groundwater Monitoring Report (March 17, 2022).

¹⁵ Fifth Five Year at pg 4; AECOM for Northrop Grumman, 2021 Annual Groundwater Monitoring Report Former TRW Microwave Site, 825 Stewart Drive, Sunnyvale, CA, March 17 2022.

1 the ~~United States, U.S.~~, prohibiting it under the TSCA as an unreasonable danger to human health).

2 57:46. In May 2015, ~~Northrop Grumman~~NGC installed a “sub-slab” ventilation system inside the
3 building. (The “slab” refers to the concrete foundation, ~~and~~ “sub-slab” is under the “slab.”) ~~Northrop~~
4 ~~Grumman~~NGC installed a ventilation system ~~(a~~ horizontal “collection pipes”) beneath the slab foundation,
5 which allows vapors to move laterally, ~~and~~ connected the collection pipes to vertical vent risers that vent
6 to the roof to provide a preferred pathway for ~~hazardous~~haz. waste vapors “*that allow sub-slab contaminant*
7 *vapors to discharge to the atmosphere.*” The risers vent to the rooftop via wind-powered turbines.

8 58:47. Apple became a tenant in 2015. Apple’s installation of a new HVAC system for the building
9 in late 2015 included Apple sawing the sub-slab exhaust vent stacks on the main building roof down from
10 three feet to one foot ~~and~~ then installing the HVAC system intakes in “*close proximity*” to the sub-slab vapor
11 exhaust vents, “*without consideration for the function of the [sub-slab] system vents and their function.*”¹⁶ The
12 HVAC intakes for the area of the building where ~~Gjovik~~Pl. worked were in “*the assumed sphere of influence*”
13 of the vent exhaust, including the chemicals TCE ~~and~~ vinyl chloride.

14 59:48. Apple’s tampering with the exhaust stacks ~~and~~ indifference towards the exhaust’s
15 proximity to HVAC intakes resulted in a significant risk of re-entrainment of the ~~hazardous~~haz. waste vapors
16 ~~and~~ gases into the HVAC system, ~~and~~ thus into the indoor air of the building where ~~Gjovik and~~Pl. & her
17 coworkers would be exposed. Cal.Lab.C. § 5143(a)(1) ~~and~~ § 5143(c)(1) prohibit the exhaust of gas ~~and~~
18 vapor in a way that causes harmful exposure to employees. Cal.Lab.C. § 5154.1(e)(4)(d) requires that these
19 types of stacks exhaust upward from at least seven feet above the highest portion of the roof. ~~California~~Cal.
20 Mechanical Code § 407.2.1 requires outdoor air intakes be placed at least 25 feet away from any “*exhaust*
21 *outlets of ventilating systems... that may collect noxious fumes.*” Apple constructed the HVAC intakes only
22 ten feet away from the exhaust vents.

23 60:49. In May 2015, ~~Northrop Grumman’s vapor intrusion~~NGC’s V.I. testing at ~~Stewart-1~~SD01
24 reported indoor air pollution of TCE, 1,2-DCE, ~~Toluene, Chloroform, Methylene Chloride, and~~
25 ~~Ethylbenzene.~~¹⁷~~toluene, chloroform, methylene chloride, & ethylbenzene.~~ From Dec. 2015 to Jan. 2016,

26

27 _____

28

¹⁶ ~~AECOM for Northrop Grumman, Evaluation of Passive Sub-Slab Depressurization System, Former TRW Microwave Site, page 1 (April 15 2022).~~

¹⁷ ~~U.S. EPA, TRW Microwave, Site Documents, Vapor Intrusion.~~

Apple managed ~~and~~ submitted a second ~~vapor intrusion~~ V.I. testing report to the ~~U.S.~~ EPA.⁴⁸ Apple's Dec. 2015 ~~vapor intrusion~~ V.I. testing results showed an increase in indoor air pollution ~~and~~ the sub-slab ventilation system compared to the May 2015 results.⁴⁹ The highest indoor air reading of TCE doubled between May ~~and~~ Dec. 2015. In May 2015, it was 0.58 µg/m³, ~~and~~ the highest indoor air TCE reading in Dec. 2015 was 1.2 µg/m³.²⁰ Apple's report also noted a "noticeable increase" of TCE, PCE, ~~and~~ chloroform in the sub-slab venting system, ~~and~~ high levels of toluene ~~and~~ ethylbenzene in the indoor air.²¹ Apple moved employees in ~~and~~ never tested again.

~~61.50.~~ U.S. EPA issued a formal letter to the current building owner in 2016 explaining that if there were any issues with the integrity of the slab, such as cracks, the ~~U.S.~~ EPA must be notified, consulted, ~~and~~ oversee the repairs ~~and~~ subsequent evaluation that the repairs were successful. Similarly, there is a public land use covenant attached to the property ~~and~~ that runs with the land, which instructs that major issues with the engineering controls ~~and vapor intrusion~~ V.I. systems must be reported, ~~and U.S.~~ EPA must be consulted on the next steps.

Gjovik's Pl.'s Employment at Apple

~~62.51.~~ Gjovik: Pl. worked at Apple from 2015 to 2021. At the time of her termination, her title was ~~Senior Engineering~~ Sr. Eng. Program Manager, ~~and~~ her base salary was \$169,000 annually. In the last full year Gjovik Pl. worked at Apple, her total annual W-2 compensation was \$386,382. Gjovik Pl. was the co-founder of a large women's community group at Apple. Gjovik Pl. also worked in a rotation position within Apple's Legal Dept. in 2019-2020, primarily supporting the ~~Government~~ Gov. Affairs ~~and~~ Software Product Legal teams' efforts to establish Apple's first company-wide Artificial Intelligence Ethics ~~and~~ Social Responsibility policy.

~~63.52.~~ Gjovik Pl. joined Apple on Feb. 23, 2015, as an ~~Engineering~~ Eng. Project Manager in the Software Project ~~Management~~ Mgmt. Office ~~and~~ worked in that Dept. until Jan. 2017. Gjovik Pl. reported to several managers under the same Director (~~Venkat Memula~~) during this time. Gjovik Pl. experienced severe harassment, discrimination, bullying, ~~and~~ an untenable hostile work environment during those two

⁴⁸ AECOM for Apple, Vapor Intrusion Evaluation Report, Former TRW Microwave Site, *supra*.

⁴⁹ U.S. EPA, *December 2015 VI Evaluation Report*, <https://semspub.epa.gov/work/09/1158560.pdf>

²⁰ *Id.* at pages 26-25.

²¹ AECOM for Apple, Vapor Intrusion Evaluation Report, Former TRW Microwave Site, *supra* at pg11.

1 years, primarily from her coworkers, Rob ~~Marini and (R.M.)~~ & Brad ~~Reigel. Memula (B.R.)~~. The director,
2 ~~Venkat (V.M.)~~ repeatedly failed to correct their behavior.

3 64:53. ~~Marini R.M.~~ bragged that he was known to executives as their “*Little Gestapo*.” He quickly
4 made a work tracking ticket titled “*Make Ashley’s Life a Living Hell*,” then assigned it to ~~Reigel. Marini B.R.~~
5 ~~R.M.~~ often planned ~~and~~ orchestrated malicious schemes to harass ~~Gjovik and Pl.~~ & cause her distress,
6 including getting multiple members of the team to physically attack ~~Gjovik, Pl.~~, spreading rumors about
7 ~~Gjovik, Pl.~~, secretly recording ~~Gjovik and Pl.~~ & sharing recordings with their team, ~~and~~ frequently
8 pressuring ~~Gjovik Pl.~~ to drink hard alcohol at work. ~~Marini R.M.~~ often made cruel comments. He once
9 noticed ~~Gjovik Pl.~~ made a typo in an XML ~~and~~ told ~~Gjovik Pl.~~ that her mother should have had an abortion.
10 Both ~~Marini and Reigel R.M. & B.R.~~ cursed at ~~Gjovik, Pl.~~, called her names, ~~and~~ wrote harassing statements
11 ~~and~~ nicknames on whiteboards about her.

12 65:54. ~~Memula V.M.~~ assigned ~~Gjovik Pl.~~ to share an office with ~~Marini. Marini R.M. R.M.~~ told
13 ~~Gjovik Pl.~~ in the first week that all of his prior officemates either quit the company, left the country, or killed
14 themselves. ~~Marini R.M.~~ asked ~~Gjovik Pl.~~ which path she would choose. ~~Marini R.M.~~ once told ~~Gjovik Pl.~~ he
15 targeted her with harassment ~~and~~ bullying because she was ‘joyful,’ ~~and~~ he wanted to ‘extinguish’ her
16 light.

17 66:55. ~~Reigel B.R.~~ was an active police officer, had ammunition in his office, allegedly physically
18 ‘flipped a table’ in a meeting, ~~and~~ supposedly kept a gun in his car at times. ~~Reigel B.R.~~ once kept ~~Gjovik Pl.~~
19 in a conference room with the door closed ~~and~~ berated her for a prolonged period while she wept ~~and~~
20 begged him to stop. He sometimes made ‘joking’ comments, like he’d ‘smack her’ if she did not do what he
21 said.

22 67:56. ~~Gjovik’s Pl.’s~~ first manager, Linda ~~Keshishoglou, (L.K.)~~, tried to bribe ~~Gjovik Pl.~~ in exchange
23 for ~~Gjovik Pl.~~ providing a positive review to ~~Keshishoglou’s L.K.’s~~ manager, ~~Memula. Gjovik V.M. Pl.~~
24 reported it to ~~Memula and V.M. & HR.~~ When ~~Keshishoglou L.K.~~ left the organization, ~~Gjovik Pl.~~ was
25 transferred to report to ~~Reigel. Gjovik B.R. Pl.~~ attempted to move to a different team but was thwarted ~~and~~
26 blocked by ~~Reigel, B.R.~~, who provided negative feedback about her to the hiring manager ~~and~~ could not
27 explain why.

28 68:57. ~~Gjovik Pl.~~ was then transferred under Evan ~~Buyze and (E.B.)~~ & Shandra ~~Rica (S.R.)~~ (still in
~~Memula’s organization) V.M.’s org.)~~ to run a program called “Early Field Failure Analysis” for new product

1 launches, where she received very positive feedback ~~and~~ praise until one specific field issue occurred ~~and~~
 2 which led to a retaliatory constructive termination. ~~Gjovik's~~Pl.'s managers had become upset at ~~Gjovik~~Pl.
 3 because ~~Gjovik~~Pl. was earnestly trying to investigate a trend of battery failures in the field, ~~and~~ ~~Gjovik's~~
 4 Pl.'s managers preferred to "ignore it ~~and~~ hope it goes away" ~~and~~ told ~~Gjovik~~Pl. to also "ignore it," which
 5 ~~Gjovik~~Pl. refused to do. ~~Buyze and Rica~~E.B. & S.R. told ~~Gjovik~~Pl. not to tell people why she was leaving
 6 their organization, with Rica saying she "*doesn't like people who talk shit.*" This battery failure issue ~~and~~
 7 Apple's resulting response would be publicly nicknamed "*Batterygate.*" Over the last few years, Apple has
 8 been fined more than \$600M over their conduct related to the *Batterygate* issues.

9 ~~69:58.~~ ~~Gjovik~~Pl. joined Product Systems Quality in Hardware ~~Engineering~~Eng. in Jan. 2017 after
 10 leaving Software ~~Engineering organization.~~ ~~Gjovik~~Eng. org. Pl. now reported to Dan West (~~Senior~~Sr.
 11 Director) ~~and~~ David Powers (Director) as a ~~Senior Engineering~~Sr. Eng. Program Manager ~~and~~ chief of
 12 staff. Both West ~~and~~ Powers engaged in harassing, discriminatory, ~~and~~ inappropriate conduct toward
 13 ~~Gjovik~~Pl. – including remarks ~~and~~ decisions that discriminated against ~~Gjovik~~Pl. based on sex, gender,
 14 ~~and~~ disability.

15 ~~70:59.~~ In Dec. 2017, West also attempted to coerce ~~Gjovik~~Pl. to engage in a romantic relationship
 16 with one of West's business partners, which would benefit West personally. ~~Gjovik~~Pl. complained then ~~and~~
 17 later, in late 2020, West admitted it was "*one of the worst things [he's] ever done.*" ~~Other leaders in West's~~
 18 ~~organization also discriminated against Pl., including John (J.B.), who frequently complained that Pl. was~~
 19 ~~not married & did not have kids, & during company social events, often pressured Pl. to 'settle down' &~~
 20 ~~'have kids.' Pl. complained to J.B. & West about the statements, but J.B. persisted for years.~~

21 ~~71:60.~~ ~~Other leaders in West's organization also discriminated against Gjovik, including John~~
 22 ~~Basanese, who frequently complained that Gjovik was not married and did not have kids, and during~~
 23 ~~company social events, often pressured Gjovik to 'settle down' and 'have kids.' Gjovik complained to~~
 24 ~~Basanese and West about the statements, but Basanese persisted for years.~~ While ~~Gjovik's~~Pl.'s performance
 25 reviews were positive, outside the reviews Powers ~~and~~ West frequently gave ~~Gjovik~~Pl. 'feedback' like she
 26 was too 'emotional,' 'aggressive,' or 'expressive. ~~Gjovik~~Pl. gave both men 'feedback' in response to their
 27 feedback, complaining about inappropriate comments. West would usually listen ~~and~~ thank her for being
 28 honest with him – though generally continued with the same behavior. Powers did not respond well ~~and~~
 frequently berated her. In two meetings, Powers unfairly criticized ~~Gjovik~~Pl. about issues where others were

1 at fault ~~and~~ they harmed Gjovik,Pl., which made GjovikPl. cry, ~~and~~ then Powers berated GjovikPl. about
 2 her crying ~~and~~ demanded she stop, which made her cry more. She complained to West about this several
 3 times.

4 72.61. Before Apple's unlawful actions towards GjovikPl. in 2021, GjovikPl. wanted to continue
 5 working at Apple even after she graduated from law school in June 2022. She intended to stay at Apple
 6 indefinitely if she could transfer to a better role (not in a hostile work environment like her current role).
 7 GjovikPl. had initiated friendships with leadership in Apple Legal in 2018, hoping she could intern with them
 8 (which she did in 2019) ~~and~~ convince them to hire her upon graduation. She continued mentioning this
 9 plan into 2021.

10 73.62. Meanwhile, Gjovik'sPl.'s supervisor, West, frustrated several of Gjovik'sPl.'s attempts to
 11 transfer to other Apple roles focused on law, legislation, ~~and~~ policy – including directly blocking an offer
 12 in Dec. 2020 for GjovikPl. to work on Apple's implementation of circular economy legislation.

13 74.63. Gjovik'sPl.'s Inquiries & Complaints

14 75.—On March 17, 2021, Gjovik'sPl.'s team ~~administrative~~admin. assistant sent an email on behalf
 15 of EH&S announcing to Gjovik and Pl. & Powers' managementmgmt. team that it would be testing Stewart
 16 1SD01 for “~~vapor intrusion~~,”V.I.,” but said nothing more.

17 76.—GjovikPl. replied ~~and~~ informed her coworkers that their office was a Superfund site on
 18 March 17 2021, providing a link to the U.S. EPA website for the site, ~~and~~ news articles referring to their
 19 office as a “*paved over environmental disaster zone*” ²²—due to the “*massive amounts of trichloroethylene in the*
 20 *soil and groundwater from nearly 30 years of chip manufacturing.*”²³

21 77.64. Gjovik Pl. explained to her team what ~~vapor intrusion~~V.I. means, told them to take it
 22 seriously, ~~and~~ expressed concerns that Apple employees “*should be better informed about these types of*
 23 *environmental risks at our offices.*” GjovikPl. added, “*The chemicals under [the Stewart 1SD01 office], if in high*
 24 *enough quantities, can cause cancer.*”

25 78.65. Gjovik'sPl.'s manager, Powers, immediately forwarded Gjovik'sPl.'s email to Human
 26 Resources ~~and~~ (“H.R.”) & West, complaining “I think Ashley should be keeping these emails private ~~and~~

²² Alexis C. Madrigal, *Not Even Silicon Valley Escapes History*, The Atlantic (July 23 2013).

²³ Beth Winegarner, *Silicon Valley's Toxic Past Haunts Sunnyvale Neighborhood*, KQED (June 15 2017).

1 not needlessly scaring the team about something she doesn't know about. I want to have a talk with her."
 2 Powers gave GjovikPl. a 'warning' during their next 1:1 meeting and told her she is not allowed to talk about
 3 safety or toxic waste dumps with her coworkers. Things went downhill from there.

4 79.66. GjovikPl. asked in her email for details of what type of testing was to be performed and for
 5 what duration, if there would be a risk assessment, and if EH&S would share the findings with the
 6 employees in the building. EH&S initially agreed to meet with Gjovik to discuss her concernsPl. to discuss
 7 her concerns. Pl.'s coworkers thanked her for sharing this info. & informing them about the site. Two of
 8 Pl.'s friends, a manager & senior manager at Apple, texted her, affirming her concerns were reasonable &
 9 appropriate.

10 80. Gjovik's coworkers thanked her for sharing this information and informing them about the
 11 site. Two of Gjovik's friends, a manager and senior manager at Apple, texted her, affirming her concerns
 12 were reasonable and appropriate.

13 81.67. One manager called the situation "a really important life-threatening situation," and another,
 14 after reviewing documentation for the site, questioned, "Why is the building still open?" One of the managers
 15 noted: "What is crazy is ... they say no daycare, no elder care, no residential, etc. So, it is fine & dandy for everyone
 16 else to get slowly poisoned? ... So glad you are digging into this stuff for all of us." Around this time, GjovikPl. also
 17 raised concerns about COVID-19 safety, wildfire smoke safety, Right to Know, Proposition Prop. 65, and
 18 Apple's reporting and tracking of injuries.

19 82.68. On March 26, 2021, the SF Bay View newspaper published an article GjovikPl. wrote about
 20 her chemical exposure experience with the air around ARIA.²⁴ It was titled "I thought I was dying: My
 21 apartment was built on toxic waste." It went 'viral' starting April 2 2021. More victims and witnesses
 22 promptly came forward after reading the article; some were also Apple employees.

23 83.69. On April 5, 2021, GjovikPl. told West about the other victims, and West warned her she
 24 was "kicking a hornet's nest." West asked GjovikPl. not to send informationinfo. about Gjovik's chemicalPl.'s
 25 chem. exposure at her apartment next to ARIA to his personal work email, saying: "Can you send that stuff
 26 to my Gmail instead of work? My mail account is routinely scanned for lawsuits."

27 84. In late March 2021, GjovikPl. repeatedly raised concerns about the Superfund site to her
 28

²⁴ Ashley Gjovik, "I thought I was dying: My apartment was built on toxic waste," SF Bay View (March 26 2021)

supervisors. After reviewing hundreds of pages of documentation for the site, GjovikPl. advised Apple that Apple had been negligent, that the site was not safe, and she complained Apple seemed unwilling to comply with CERCLA and health/safety regulations. She said she now believed her fainting spell in 2019 in her office was due to vapor-intrusionV.I. She was also shocked and distressed to see the ‘hot spot’ for the building was her desk with 1,9001900 ug/m3 of TCE inunder the sub-slab-ventilation-system.

85:70. Gjovik. Pl. connected the vapor-intrusionV.I. risk to a strange fainting spell she experienced at the office in Sept. of 2019. The only other time she felt a dizzy spell like that was when she was exposed to chemicals at her apartment. GjovikPl. began complaining she was worried her 2019 fainting spell was due to vapor-intrusionV.I. at the office.

86:71. Powers threatened her and ordered her to stop talking with her coworkers about her safety and-environmental& env. concerns. He said she must believe whatever EH&S tells her. West first claimed the poisonous gas was sealed under the floor but, after learning the floor was cracked, told GjovikPl. if she does not like her work conditions, she can leave her role and find a new job.

87:72. On April 5 2021, GjovikPl. notified the Director of Apple “AC Wellness” employee medical Centers and Clinical Engineering,Eng., that after her article was published, more people came forward from the apartments next to ARIA, reporting illness. “*Two are Apple employees. At least one went through AC Wellness, but no one could figure out what was wrong with them.*” GjovikPl. suggested Akhtar direct the clinic to “screen local folks” with unexplained symptoms that match solvent exposure.

88:73. GjovikPl. emailed the U.S.-EPA and CalEPA about the issues from Sept. 2020 through April 2021; many Apple leaders knew she did so. Starting in early 2021, GjovikPl. also contacted and met with local, state, and federal politicians about what occurred to her next to ARIA – and Apple was aware of this. For example, GjovikPl. met with Senator Bob Weickowski and his staff on April 7 2021. GjovikPl. also met with Assembly Member Lee’s staff once and Mayor Lisa Gillmor several times. On April 7 2021, GjovikPl. told West about the meetings. On April 9 2021, GjovikPl. contacted the County Dist~~riet~~. Attorney’s office, talked to Bud Porter, Supervising Deputy Dist~~riet~~. Attorney for Environmental Crimes, and met with him on April 16 2021.

89:74. GjovikPl. was also meeting with the CaliforniaCal. Dept. of Public Health’s Environmental Health office where she was volunteering her time to assist in creating state-wide education resources for tenants and workers around chemical exposure from toxic waste dumps. Around this time GjovikPl. was also meeting with a prior Silicon Valley mayor who has been involved in advocated for clean-up of Silicon

1 Valley's toxic waste sites for decades. GjovikPl. shared his analysis of the testing and concerns about the
 2 clean-up of the property where GjovikPl. got sick with Mayor Gillmor and asked her for further
 3 investigation from the city.

4 90-75. GjovikPl. met with Apple EH&S on April 2 2021, May 17 2021, and July 7 2021. For some
 5 reason, Employee Relations, E.R., Jenna Waibel, was also there. Waibel refused to tell GjovikPl. why she was
 6 involved, as Powers had asked for Employee Relations E.R. assistance in trying to silence GjovikPl. about
 7 Gjovik'sPl.'s concerns. Waibel and Polkes were texting and emailing about how to silence GjovikPl.
 8 starting at least in early April 2021.

9 91-76. In Feb. 2021, GjovikPl. had completed her self-review for Apple's mid-year review cycle,
 10 however Powers never provided GjovikPl. her review. Powers told his managers to complete their mid-year
 11 reviews with their teams in the spring but never mentioned it to GjovikPl. GjovikPl. Pl. also completed her
 12 annual performance self-review around June 2021, however, Powers never provided that review to her either.
 13 Apple has repeatedly refused to provide any discovery documents related to these reviews and/or
 14 confirmation of their existence.

15 92. GjovikPl. asked questions to Apple EH&S about the status of the site and the rationale for
 16 certain design and monitoring decisions. GjovikPl. expressed that she was disappointed with some of the
 17 answers. EH&S (Michael Stieger) told her Apple Legal and EH&S intentionally do not tell employees if
 18 they work on Superfund site and admitted that Apple deliberately does not train workers about safety
 19 procedures related to toxic waste exposure from clean-up sites.

20 93-77. GjovikPl. said that was both unsafe and unwise. GjovikPl. also complained that the prior
 21 testing used insufficient durations and methods, had concerning results, there were known open risks for
 22 vapor intrusion V.I. vectors (such as 'compromised' sub-slab ports), and the land use covenant is outdated
 23 and requiring revision. GjovikPl. complained that Apple should have tested the indoor air more frequently
 24 than every six years.

25 94-78. On April 11 2021, GjovikPl. emailed Powers forwarding her emails with Steiger and Waibel
 26 about "*compromised*" and "*missing*" sub-slab vents per the documentation, telling Powers,
 27 "None of this sounds safe. Based on all this data, seems more likely that not that my fainting spell
 28 in Mike's office in Sept 2019 was very likely related to the chemicals on this Superfund site. If not
 the TCE, PCE, or Cchloroform — then the levels of Ethylbenzene and ethylbenzene & Toluene
 exceeding max industrial limits in 2015 that no one seems to have ever followed up on."

95-79. By April 14 2021, Powers became very hostile towards Gjovik and Pl. & was snapping at her

1 meetings to the extent one of Gjovik'sPl.'s coworkers witnessed it and& confirmed it was not appropriate.
 2 GjovikPl. then complained to West about it, which resulted in the 'you can just quit if you don't like it'-type
 3 response.

4 96.80. On April 21 2021, GjovikPl. complained to the Apple Human ResourcesH.R. I&D team about
 5 disparate impact of chemical exposure. Apple HR responded asking her to write a business proposal as to
 6 why Apple should not poison Black people. GjovikPl. then complained to a SeniorSr. Director she was
 7 friends with, J.C., that Apple is acting very unethically, and& she was deeply concerned. She told him
 8 someone needs to straighten out Apple EH&S and& legal about workplace safety and environmental
 9 compliance& env. compl. matters.

10 97.81. GjovikPl. also contacted the U.S. EPA on April 22 2021, asking to consult with their manager
 11 for the site and& emailed back and& forth with the U.S. EPA CERCLA and& public relations teams from
 12 April through Aug. 2021, and& Apple knew she was doing so. The U.S. EPA directly notified Apple about
 13 Gjovik'sPl.'s outreach around April 28 2021.

14 98.82. In response to Gjovik'sPl.'s concerns and& escalations, Powers and& Waibel issued gag
 15 orders against GjovikPl. Waibel went so far as to provide GjovikPl. with a five-point balancing test if GjovikPl.
 16 wanted to make statements about Superfund sites or workplace safety to her coworkers and& ultimately told
 17 GjovikPl. that there should be no discussions about workplace safety with her coworkers. (In Sept. 2024, the
 18 NLRB issued a decision of merit that there is substantial evidence that Waibel's 'five-point balancing test'
 19 violated federal labor laws.)

20 99.—GjovikPl. complained to a senior ethics leader at Apple and& their friend, Dr. Cohen, that
 21 what Apple was doing related to environmental compliance and env. compl. & employee chemical exposure
 22 was "morally wrong," and& Apple was publicly misrepresenting their actual operations.

23 100.83. GjovikPl. also complained to a friend in Lisa Jackson's Environmental lobbying team about
 24 what was going on at her office and& complained Apple's public statements seemed fraudulent, and& her
 25 coworker agreed, saying: "*uhhh... I kind of feel the need to make sure Lisa is aware. I'm about to present a proposal*
 26 *to several execs on an Environmental Justice program and& this kind of feels like not consistent with that.*"

27 101.84. On April 29 2021, GjovikPl. visited an occupational exposure doctordr. about her apparent
 28

1 chemical exposure in the apartments next to Apple's ARIA factory and at the Stewart 1SD01 office.²⁵

2 Gjovik's Pl.'s UCSF visit notes summarized Gjovik's Pl.'s 2020 medical symptoms saying:

3 "She was experiencing severe dizzy spells, a large decrease in resting heart rate, palpitations,
4 hypotension, fatigue, chest pain, numbness, spasms, rash, shortness of breath, multiple growths
5 (mole, polyp, nodules), nausea, paresthesia, blurry vision, abnormal vaginal bleeding, and
6 swollen glands" "there remains a concern about potential pathways for residential exposures,
7 and the county and State environmental env. agencies should address these.... she also notes
an unexplained episode of fainting at work in Sept 2019 at her office on a Superfund site with a
long history of vapor intrusion V.I. issues..."

8 102.85. Gjovik Pl. continued to attend medical appointments and comply with ordered testing and
9 monitoring in response to her injuries and illness in 2020 (due to the chemical exposure). On April 30
10 2021, she went to Stanford Hospital for a CT Angio with and without contrast. She had been having
11 palpitations again, and on May 10 2021, told her manager, Powers, that her doctor dr. said she needed
12 another echocardiogram to ensure the chemical exposure did not cause permanent injury to her heart. On
13 May 21 2021, she went to UCSF for a mammogram, with the order coded as testing in response to industrial
14 chemical exposure. Apple knew Gjovik Pl. was extremely vulnerable.

15 103.86. On May 17 2021, Gjovik Pl. met with EH&S (Steiger) and Waibel again. They informed her
16 they may not test the indoor air now; they won't answer anymore of her safety or environmental env.
17 questions, and Steiger (the EH&S lead for environmental safety at her office) is Steiger was imminently
18 and abruptly leaving Apple. Gjovik Pl. became concerned about a cover-up and started complaining about
19 her meeting with the Apple EH&S lawyer in Nov. 2020, sharing with at least one coworker that the lawyer
20 had told her Apple had been negligent and needed to catch up on testing and inspections. Gjovik Pl. also
21 reported this to Employee Relations, Okpo, in July 2021.

22 104.87. Apple EH&S and Employee Relations, & E.R., Waibel, notified Gjovik Pl. on June 2 2021, that
23 the foundation of Stewart 1 and SD01 & they need to repair it, and then after, they will test the air. Gjovik Pl.
24 told them they needed to notify the U.S.-EPA, have the U.S.-EPA oversee the repair and testing plan, and
25 test the air before and after the repairs. (U.S.-EPA later confirmed this). Apple refused and told Gjovik Pl.
26 they do not have to tell U.S.-EPA anything; they will repair the floor but will not provide details on
27

27

28

²⁵ Dr. Robert Harrison, MD—who directs the UCSF Occupational Health Services department and the Worker Investigation Program for California Department of Public Health.

1 how/when, ~~and~~ now they may not test the indoor air. Waibel also responded by opening a non-consensual
 2 sexism investigation into Gjovik's Pl.'s bosses, where she did not investigate anything but told at least three
 3 leaders that Gjovik Pl. complained about them. She also harassed Gjovik's Pl.'s friends ~~and~~ bullied
 4 Gjovik Pl. to the extent that she repeatedly made Gjovik Pl. cry in front of her.

5 ~~105-88.~~ Waibel also told Gjovik Pl. she had to submit an ADA accommodation request if Gjovik Pl. did
 6 not want to be exposed to the ~~vapor intrusion, V.I.~~, attempted to get Gjovik Pl. to release all of her medical
 7 requests to “Apple Inc.,” ~~and~~, & then suggested Apple Def. get her an air purifier at her desk for the TCE.
 8 Gjovik Pl. complained that ADA accommodations are not supposed to be used for employees to ask their
 9 bosses not to poison them. By July 2021, somehow Waibel even got ahold of a copy of Gjovik's Pl.'s May
 10 2021 mammogram results.

11 ~~106.~~ Gjovik Pl. complained about Waibel in May ~~and~~ June 2021 to no avail ~~and~~ then began
 12 meeting with Waibel's manager, Antonio Lagares, in mid-June 2021.

13 ~~107.~~ Gjovik Pl. complained that Apple was acting insane, ~~and~~ if this is usually how Apple handles
 14 employee concerns, then Apple is lying to its employees ~~and~~ the public that it acts in good faith. Lagares
 15 agreed with Gjovik and Pl. & said Apple's marketing makes “*his job harder.*”

16 ~~108-89.~~ Gjovik Pl. asked what type of issues his team would take seriously, ~~and~~ he responded when
 17 managers “*send pics of their junk.*” Gjovik Pl. complained to Lagares that Waibel had already ruined her career
 18 at Apple, that she was already constructively terminated by West, that Powers was harassing her more than
 19 ever, ~~and~~ that he should have to investigate all of the terrible things Apple's done to her for nearly seven
 20 years.

21 ~~109-90.~~ On July 2 2021, ~~Apple Employee Relations, E.R.~~, Waibel, ~~and~~ EH&S notified Gjovik Pl. via
 22 email that there were cracks in the slab/floor of Gjovik's Pl.'s office ~~and~~ that they will be sealing the cracks,
 23 then testing the air. Gjovik Pl. replied asking if they can also test the air before sealing the cracks, explaining
 24 she wanted to know if she was exposed to chemicals through the cracks ~~and~~ if so which ones, she said “*for*
 25 *cancer monitoring.*” Waibel told Gjovik Pl. no – Apple will not test the air prior to repairing the floor.

26 ~~110-91.~~ Just two days earlier, on June 30 2021, Apple EH&S and/or legal filed the first ~~and~~ only
 27 TRI filing to the ~~U.S.~~ EPA for air emissions at ARIA in 2020. It's unclear why Apple never submitted a TRI
 28 filing prior to the 2020, or why Apple never submitted a TRI filing after the 2020 record. Under ~~information~~
~~and info.~~ & belief, the TRI filing was submitted in an effort to try to manufacture for Apple some sort of
 statute of limitations excuse later, if Gjovik Pl. ever found out what they did – without them having to tell

1 GjovikPl. or share the informationinfo. in a way they thought she could find it.

2 111.92. In their final meeting about the site on July 7, 2021, Waibel and& Steiger told GjovikPl. that
3 Stewart 1 is safe because they say it is safe, they still have no plans to test the air now, and& they will not
4 answer any more of her questions about the site or workplace environmentalenv. safety ever again.

5 112.93. In early July 2021, GjovikPl. reported Apple's failure to notify and& consult with the U.S.
6 EPA about the cracked slab to the U.S.-EPA. GjovikPl. notified Apple that she was snitching on them to U.S.
7 EPA. GjovikPl. also complained to Lagares:

8 "The only reason I can think of that they're refusing to do this testing after they previously
9 planned on doing it, was that all the questions I was asking were very good questions and&
10 revealed major gaps/issues — so they're going out of their way to not have evidence of their
negligence."

11 GjovikPl. implored Lagares to look into EH&S's conduct, saying

12 "I think everyone is forgetting I work in engineering & I am in law school. I know how toxic
13 torts work.... right now, it feels like I am not only being harassed by my manager and& my
14 HR BP, but it appears there is a conspiracy to force me back into what appears to be a very
physically unsafe office building."

15 113.94. In early July 2021, GjovikPl. discovered that West had been reassigning her best projects
16 (things that would help her receive a positive review). Then on July 15 2021, Powers suddenly quadrupled
17 her workload with highly unfavorable projects (things that were certain to upset people and& fail). Powers
18 was snapping at her and& harassing her, West was ignoring her, and Gjovik& Pl. reported these issues to
19 Lagares and& Waibel and& the HR-business-partnerH.R. B.P. Helen Polkes. Still, Apple did nothing, or they
20 also harassed GjovikPl.

21 114.95. GjovikPl. became more vocal about her concerns about systemic retaliation and& fraud at
22 Apple on Apple's Slack discussion tool and& also began threatening Lagares that she planned to sue Apple
23 for what they've done to her and& that she is also talking to the press about Apple (specifically The New
24 York Times and NYT & Washington Post). This led Lagares to assign a new investigator (Ekelemchi Okpo)
25 and& open a new investigation into all of Gjovik'sPl.'s concerns going back to 2015.

26 115.96. By late July 2021, GjovikPl. was openly complaining on Slack, to reporters, with coworkers,
27 and& now also on Twitter about Apple's terrible behavior (including intimidation, retaliation, cover-ups,
28 and& fraud). GjovikPl. complained about the Superfund and& safety issues, Apple's offensive use of ADA
accommodations, the persistent suggestion that she take FMLA leave in response to their harassment,

1 Apple's illegal NDAs ~~and~~ gag orders, ~~and~~ Apple's antagonistic ~~and~~ obstinate attitude towards
 2 legitimate ~~and~~ important concerns. GjovikPl. repeatedly told Lagares, Okpo, Waibel, ~~and~~ Polkes that she
 3 refused to take leave in response to retaliation ~~and~~ harassment; instead, they needed to actually fix the
 4 issues.

5 ~~116-97.~~ GjovikPl. had still been lobbying legislatures about the need for additional safety protections
 6 for workers ~~and~~ tenants on toxic dump sites. A state Senator told GjovikPl. he would talk to CalEPA about
 7 her concerns. GjovikPl. checked with his office for a status update on that conversation. On July 16 2021, the
 8 Senator's ~~Legislative Director~~ Leg. Dir. wrote to GjovikPl. confirming ~~and~~ adding her concerns were shared
 9 even further, writing: "*I conveyed them myself on the Senator's behalf with the Govender's staff ~~and leadership of~~*
 10 *both houses.*" ~~& leadership of both houses.~~" On July 18 2021, Pl. had sent her weekly status to Powers & the
 11 mgmt. team & at the very bottom she added a little personal note that a state haz. waste bill she had been
 12 lobbying for passed & she was very excited about it. Powers became very upset & escalated the comment to
 13 E.R., Waibel, asking for guidance on how to 'coach' Pl. about it & ensure Pl. understand not to talk about
 14 such things in the workplace.

15 ~~117.—On July 18 2021, Gjovik had sent her weekly status to Powers and the management team and~~
 16 ~~at the very bottom she added a little personal note that a state hazardous waste bill she had been lobbying for~~
 17 ~~passed and she was very excited about it. Powers became very upset and escalated the comment to Employee~~
 18 ~~Relations, Waibel, asking for guidance on how to 'coach' Gjovik about it and ensure Gjovik understand not~~
 19 ~~to talk about such things in the workplace.~~

20 ~~118-98.~~ Around July 20 2021, GjovikPl. notified ~~U.S.~~ EPA about the cracked floor/slab at her
 21 Superfund office, ~~and~~ that Apple was insisting they do not have to tell the ~~U.S.~~ EPA ~~and~~ that they refuse
 22 to the test the air until after they seal the floor. GjovikPl. expressed it was her understanding that Apple
 23 needed to notify the ~~U.S.~~ EPA of the cracks ~~and~~ obtain EPA approval of a workplan for the testing ~~and~~
 24 sealing plans.

25 ~~119-99.~~ On July 21 2021, one of Gjovik'sPl.'s coworkers, a manager, contacted her privately ~~and~~
 26 asked if she was okay. He said he was worried because it seemed like things were tense with her ~~and~~ her
 27 position in the team. Around July 21 2021, ~~Employee Relations, E.R.,~~ Okpo, started asking GjovikPl. for the
 28 .eml version of files for some especially damning emails with Gjovik and Pl. & her management., assumably
 collecting evidence in preparation for GjovikPl. suing them, which she had already began threatening to do.
 Around July 23 2021, GjovikPl. spoke on the phone with one of the only two women who ever reported to

1 West at Apple, ~~and~~ who had quit Apple due to the harassment she faced from West ~~and~~ his team. She
 2 validated ~~Gjovik, Pl.~~, confirming she reported many of the same issues that ~~Gjovik Pl.~~ had been reporting,
 3 ~~and~~ that West ~~and~~ his management, or ~~Human Resources, H.R.~~, had done nothing to actually fix the
 4 issues.

5 120.—On July 23 2021, ~~Gjovik Pl.~~ was quoted by the ~~New York Times~~ ~~NYT~~, where she criticized
 6 Apple's COVID-19 response. On July 24, 2021, ~~New York Times~~ ~~NYT~~ made ~~Gjovik's Pl.'s~~ quote "*Quotation*
 7 *of the Day*" for the entire NYT. ²⁶

8 121.100. Lagares expressed to ~~Gjovik Pl.~~ that Apple was upset that ~~Gjovik Pl.~~ did this. ~~Gjovik Pl.~~ told
 9 Lagares she was taking Labor Law ~~and~~ learned she could speak about her work conditions regardless of
 10 NDAs. Lagares told her it is "*annoying*" to Apple when employees "*figure that out*."

11 122.101. Apple ~~and Northrop Grumman~~ ~~& NGC~~ were notified on July 26 2021 that ~~U.S.~~ EPA ~~was~~
 12 ~~demanding~~ ~~wanted~~ an inspection of ~~Stewart 1SD01~~ due to ~~Gjovik's Pl.'s~~ reports about the cracked slab ~~and~~
 13 Apple's obstinate ~~and~~ obstructive response; ~~and~~ because ~~U.S.~~ EPA discovered what Apple did with the
 14 hacksaw, vents, ~~and~~ HVAC on the roof of ~~Stewart 1SD01~~ in 2015, with the ~~U.S.~~ EPA QA team exclaiming
 15 it was "*not appropriate*" ~~and~~ asking for air samples.

16 123.102. On July 26 2021, ~~Gjovik Pl.~~ posted on Apple's Slack ~~discussion tool~~ complaining that Apple's
 17 response to her concerns was to retaliate against her ~~and~~ intimidate her into silence. ~~Gjovik Pl.~~ asked if
 18 anyone else had been retaliated against for raising concerns. Many of ~~Gjovik's Pl.'s~~ coworkers responded that
 19 they had also experienced retaliation from Apple for raising real ~~and~~ reasonable concerns. On July 27 2021,
 20 Okpo then swiftly interrogated ~~Gjovik Pl.~~ for over an hour about her Slack posts ~~and~~ the responses she
 21 received from coworkers – repeatedly asking her to stop posting about her concerns ~~and~~ to stop
 22 encouraging other employees to post their concerns, ~~and~~ instead to direct all employees to speak privately.
 23 ~~Gjovik Pl.~~ told him no. she would not help him retaliate against her coworkers. Okpo said he was "notified"
 24 about ~~Gjovik's Pl.'s~~ posts ~~and Gjovik & Pl.~~ expressed concern as to who all was spying on her.

25 124.103. During the July 27 2021 meeting, Okpo said Apple may give ~~Gjovik Pl.~~ a severance ("exit")
 26 package of around \$600,000 if ~~Gjovik Pl.~~ would sign a preemptive litigation waiver. Apple agreed ~~Gjovik Pl.~~

27

28

²⁶ ~~Ashley Gjovik, "Quotation of the Day: Virus Surge Complicates Return-to-Office Plans," New York Times, July 24 2021.~~

1 would not have to sign another NDA but did make the severance negotiation contingent on GjovikPl.
 2 executing a waiver of all claims, while Apple concurrently intentionally concealed material facts about harm
 3 Apple caused to GjovikPl. through chemical exposure at her office and her apartment. GjovikPl. expressed
 4 concerns about the settlement amount and her potential medical costs if she were to get cancer from the
 5 exposure at her office, not even yet knowing about the ARIA facility or what Apple did to the HVAC at
 6 ~~Stewart-1SD01~~. Apple wanted all claims waived and denied the severance on those conditions, violating
 7 Cal. Gov't Code § 12964.5(a).

8 125.104. On July 27 2021, a non-profit organization asked GjovikPl. to testify as a witness to state
 9 Senator Dave Cortese about her experience with hazardous haz. waste clean-up sites in Santa Clara County,
 10 and Gjovik & Pl. accepted.

11 126.105. On July 28 2021, GjovikPl. emailed Okpo and Lagares about her discussions with
 12 coworkers, and she discovered a pattern of discrimination and discrim. & harassment issues across Apple;
 13 and what appeared to be systemic cover-ups of those issues instead of actually resolving the problems. She
 14 complained Apple fraudulently holds itself out publicly as caring about human rights and the law. It was
 15 clear to GjovikPl. that Okpo would not investigate in good faith and Apple was still trying to get her to quit
 16 or else would fire her, and she began fervently complaining about their bad faith behavior and culture of
 17 intimidation.

18 127.106. On July 28 2021, GjovikPl. messaged a coworker (a manager) saying she had just met with
 19 Employee Relations, E.R., Okpo, and asked for a “citizen oversight type role” to help reform Apple’s HR
 20 practices. She said Okpo told her, sure, but that she has to stay in her same role. GjovikPl. wrote: “*I hit my*
 21 *desk hard enough gesticulating & screaming that I spilled coffee on everything, but I have no regrets...*” and “...
 22 *I looked him dead in the eye and said YOU CAN’T HEAL IN THE SAME ENV[IRONMENT] YOU ARE*
 23 *HARMED IN.*” The next time Okpo met with Gjovik, Pl., on July 29 2021, he asked her if she wanted to
 24 have a lawyer attend to represent her during their conversations. Apple was fully aware and on notice of
 25 incoming litigation from GjovikPl. by July 2021. On July 30 2021, Pl. posted on Twitter complaining about
 26 Apple:

27 128.—On July 30 2021, Gjovik posted on Twitter complaining about Apple:

28 “They offered EAP and suggested medical leave after I spoke up about sexism,
discrimination, and discrim., & a hostile work environment. They also suggested requesting
 ADA disability accommodations after I raised concerns about unsafe work conditions.”

1 After posting this, ex-Apple employees contacted GjevikPl. to share they had similar experiences.
 2 Other Big Tech and ex-Apple employees supported GjevikPl. for speaking out, sending her many
 3 encouraging and grateful messages and comments. GjevikPl. then decided to start sharing more of what
 4 was happening between her and Apple on social media to help others understand the issues so they could
 5 advocate for the employees, hoping it may pressure Apple to act more reasonably. On July 30 2021, GjevikPl.
 6 posted on Apple's Slack discussion tool complaining in detail about Apple's misconduct, including
 7 retaliation, unsafe work conditions, and cover-ups. Around this time, GjevikPl. created a new, private Slack
 8 group for her coworkers to discuss concerns about Apple retaliating against them for raising concerns, but
 9 with more privacy due to fear of more retaliation. Many women asked to join the group, and they had just
 10 started a discussion.

11 129.107. On Aug. 2 2021, out of frustration with Okpo and Lagares refusing to re-investigate
 12 anything Waibel said was fine during the first (sham) investigation – GjevikPl. proceeded to start posting on
 13 Twitter about several of the more minor things she complained to Waibel about. She told Okpo and Lagares
 14 that it was work conditions, and they claimed they investigated and found no problems, so she is free to
 15 talk about it and she would do so. GjevikPl. posted several examples of the evidence on Twitter, and her
 16 posts quickly went viral.

17 130.108. In response, on Aug. 2 2021, Apple suddenly announced they were conducting extensive
 18 maintenance at Stewart 1SD01 starting on Aug. 4 2021. Then, on Aug. 3 2021, Lisa Jackson's team scheduled
 19 a Public Relations blitz about how safe and thoughtful Apple is, actually.²⁷ Apple also attempted to make
 20 the U.S. EPA sign a four-page single-spaced NDA about the inspection of Stewart 1SD01 that would prohibit
 21 the U.S. EPA from speaking about the inspection. The U.S. EPA declined to sign the NDA.

22 131.109. When GjevikPl. saw Apple's EH&S notice on Aug. 2 2021 about maintenance at Stewart
 23 1SD01, she quickly arranged for coworkers in the office to gather evidence of the cracks, warning them that
 24 Apple was trying to cover up environmental and env. & safety issues. Gjevik'sPl.'s coworkers gathered
 25 photos of the cracks for GjevikPl. on Aug. 3 2021 and the morning of Aug. 4 2021. They also asked many
 26 of the same questions GjevikPl. had asked EH&S. GjevikPl. shared EH&S's responses, and they were
 27 concerned about Apple's position and conduct. GjevikPl. informed Apple she and her coworkers were
 28 _____

²⁷ FOIA; Axios, *Exclusive: EPA administrator visits Apple HQ to talk climate, environmental justice*.

1 gathering evidence before Apple could cover up the cracks.

2 132.—On Aug. 4 2021, Okpo immediately forced GjovikPl. on indefinite administrativeadmin. leave
3 and& refused to provide any ETA for the next steps. Okpo informed her Apple removed her “*from the*
4 *workplace and& all workplace interactions.*”

5 133.110. GjovikPl. was very upset and& protested, arguing she just wanted to stop interactions with
6 West and& Powers while Okpo investigated because of the work assignment changes and& harassment.
7 GjovikPl. also complained that it was illegal for them to tell her to stop talking to her coworkers. Okpo made
8 it clear he also wanted her off Slack. GjovikPl. told Okpo he could not keep her off Twitter. GjovikPl. set her
9 out of the office to say Apple put her on indefinite administrativeadmin. leave and& told her to stay off Slack.
10 She also posted a message on Slack about it.

11 134.—On Aug. 4 2021, a reporter at an online blog contacted GjovikPl. after Gjovik’sPl.’s coworkers
12 told the reporter what GjovikPl. had posted. The reporter wanted to write an article about what Apple did
13 to Gjovik. GjovikPl. Pl. agreed to let her write an article about GjovikPl. being put on leave. GjovikPl. also
14 posted on Twitter about it herself, and& additional outlets picked up the story.²⁸ Within hours, it was
15 covered in the news worldwide. Okpo sent GjovikPl. several bitter emails about her continuing to speak out.
16 He was clearly reading the news articles and& her Twitter posts complaining about Apple’s conduct.

17 135.111. Gjovik Pl. made three Twitter posts about the situation on Aug. 4 2021. The first post was at
18 1:16 PM PST. GjovikPl. wrote:

19 “So, following raising concerns to #Apple about #sexism, #hostileworkenvironment, &
20 #unsafeworkconditions, I am now on indefinite paid administrativeadmin. leave per #Apple
21 employee-relations,E.R., while they investigate my concerns. This seems to include me not using
22 Apple’s internal Slack.”

23 The second post was at 2:12 PM PST. GjovikPl. wrote,

24 “#Apple employee relation’s 1st #sexism investigation only arose while I was complaining about
25 unsafe work conditions and& related #intimidation. They tried to quickly brush me off & prevented
26 me from raising more concerns. This time, I gave them 558 pieces of evidence to review.”

27 Gjovik’sPl.’s third Twitter post was at 2:33 PM and& said,

28 “When I say “unsafe #workconditions,” I mean physically unsafe; #dangerous chemicals; #OSHA.
You will hear much more about this in a bit.”

²⁸ The Telegraph, “*Apple worker who complained about sexism and ‘hostile’ workplace put on paid leave,*” Aug 5 2021; Yahoo Finance, “*Senior Apple employee alleges sexism at work, is put on indefinite leave,*” Aug 5 2021; Fox News, “*Apple exec says she was placed on leave after raising sexism concerns, other workplace issues.*”

1 ~~136-112.~~ Apple responded to the media by repeating the same statement over ~~and~~ over: "We are
2 ~~and~~ have always been deeply committed to creating ~~and~~ maintaining a positive ~~and~~ inclusive workplace.
3 We take all concerns seriously ~~and~~ thoroughly investigate whenever a concern is raised; out of respect for
4 the privacy of any individuals involved, we do not discuss specific employee matters."

5 ~~137-113.~~ Starting on Aug. 4 2021, GjovikPl. began receiving harassing ~~and~~ threatening replies ~~and~~
6 comments from clearly fake social media accounts. On Aug. 4 2021, one account posted about Gjovik,Pl.,
7 that she: "*needs psychiatric help and confinement*" ~~and~~ that GjovikPl. "*is a psychopath and frankly is a*
8 *danger to other Apple Employees!*" The account went on to call GjovikPl. an "*ambulance chasing psychopath*"
9 ~~and~~ said, "*Apple needs to bring the hammer and make an example of people like this.*" Thousands of posts like
10 this followed ~~and~~ continue to this day – causing GjovikPl. severe distress.

11 ~~138-114.~~ The night after GjovikPl. was stuck on leave, West suddenly scheduled meetings with
12 Gjovik'sPl.'s women's group. GjovikPl. also heard conversations within her team that confirmed she would
13 be fired soon. Starting around Aug. 5 2021, the managers in West's organization started raising the "*Ashley*
14 *Issue*" as a discussion topic in staff meetings. The managers told the workers that if anyone has concerns
15 about the "*Ashley Issue*," they should talk to Helen PolkesHR. They also mentioned West's plans to "*discuss*
16 *the Ashley Issue*" at the upcoming Oct. All Hands ~~meeting~~ Gjovik.Pl. realized they would not be discussing
17 the "*Ashley Issue*" at a future ~~all hands meeting~~ All Hands if she was there, ~~and~~ West was already sure
18 GjovikPl. was about to be fired. One of her friends who was a manager in West's organizationorg. told her
19 ~~that~~ all of the managers were instructed to ~~try~~ not to write anything down about employee issues, because
20 he said, they said, ~~Gjovik had done~~ Pl. did such a good job of documenting her conflict with them ~~and~~
21 they're in trouble.

22 ~~139-115.~~ GjovikPl. saw emails come in steadily while she was on leave about EH&S activities at the
23 building. EH&S sent notices that they would be on-site for prolonged periods: Aug. 4, 6, 7, 8, 11, 13, 14, 15,
24 18, 19, 20, 21, 22, 27, 28, 29; ~~and~~ Sept. 3, 4, 5 2021. When the U.S. EPA inspected, they noted "*freshly*
25 *sealed cracks.*" On Aug. 9 2021, the U.S. EPA sent travel approval requests to visit Gjovik'sPl.'s office, ~~and~~
26 the justification for the visit cited Gjovik'sPl.'s disclosures. The U.S. EPA's justification for the inspection
27 was:

28 "A site visit to an Apple office building is necessary to conduct a visual inspection of the building's
~~vapor intrusion~~ V.I. mitigation measures. An Apple employee recently contacted EPA ~~and~~ notified
EPA that there were cracks in the building's foundation. If true ~~and~~ cracks are significant, this

could impact the effectiveness of the VI mitigation system ~~and~~ the protectiveness of human health.”

~~140.116.~~ On Aug. 12 2021 ~~and~~ Aug. 13 2021, GjovikPl. filed complaints with USU.S. EEOC ~~and~~ Cal. DFEH. In Aug., GjovikPl. also shared concerns on social media ~~and~~ with the press, including experiences with her team in 2015, what Apple did to her around Batterygate ~~and~~ related harassment, ~~and~~ her concerns about Apple’s long history of criminal ~~and~~ corrupt behavior. On Aug. 17, 2021, Business Insider published an article about some of Gjovik’sPl.’s complaints based on Gjovik’sPl.’s Twitter posts ~~and~~ embedded Gjovik’sPl.’s Twitter posts in the article.²⁹ The article also noted: “*Insider approached Apple for comment.*” On Aug. 15 2021, GjovikPl. posted on Twitter that she had met with US Representatives, state Senators, Assembly Members, ~~and~~ Mayors about her chemical exposure.

~~141.117.~~ Between Aug. 16 2021 through Aug. 23 2021, Okpo sent a first draft of an “Issue Confirmation” document that supposedly captured all of Gjovik’sPl.’s complaints that he was investigating, ~~and~~ Gjovik& Pl. revised it ~~and~~ sent him a final revised version on Aug. 23 2021. Starting Aug. 17 2021, GjovikPl. insisted that all communication with Okpo ~~and~~ Apple be in writing because he repeatedly misrepresented her statements. Okpo ignored her.

~~142.118.~~ On Aug. 19 2021, the U.S.-EPA conducted an onsite inspection of Gjovik’sPl.’s Apple office due to Gjovik’sPl.’s complaints to the U.S.-EPA. U.S.-EPA’s notes from the Aug. 19 2021 site visit ~~and~~ inspection included concerns ~~and~~ issues with the HVAC, sub-slab ventilation system, missing sub-slab ports, integrity of the slab, ~~and~~ lack of documentation for slab/crack inspections.

~~143.119.~~ GjovikPl. had previously registered for a three-part training about racial justice with Apple University ~~and~~ wanted to attend. The class was led by her friend Dr. Cohen, ~~and~~ he confirmed he was happy to have her attend as long as Employee-RelationsE.R. approved ~~and~~ did not discipline her for attending. GjovikPl. texted with a coworker on Lisa Jackson’s team expressing concern that Okpo might not let her go, but joked “*I think it would be extra fun for the evidence for the judge if they try to prohibit me from participating in social justice initiatives with an invite confirmed from our Chief Ethics officer.*”

~~144.~~—On Aug. 20, 2021, Okpo told GjovikPl. that she was not allowed to participate in the racial justice workshop “*because she’s on leave.*” GjovikPl. complained about retaliation. While GjovikPl. was stuck

²⁹ ~~Business Insider, An Apple employee on leave after publicly alleging sexism says co-workers kept a scoreboard to make her quit, (August 17 2021).~~

1 on leave, she repeatedly asked Okpo for updates about her office, but he refused to provide any updates.
 2 Gjovik Pl. often complained about retaliation ~~and~~ that she did not want to be on leave, but Okpo ignored
 3 her.

4 145.120. Gjovik Pl. also filed a Business Conduct complaint about her concerns about Ronald Sugar,
 5 TRW Microwave, ~~and~~ her office. She attached the Issue Confirmation ~~and~~ notified Okpo of the ticket.
 6 Gjovik's Pl.'s 33-page version of the Issue Confirmation included detailed complaints of fraud, organized
 7 witness tampering, obstruction of justice, toxic torts, corruption, negligence, conflicts of interest,
 8 racketeering, ~~and environmental & env.~~ crimes.

9 146.121. Gjovik Pl. complained about Apple EH&S ~~and Employee Relations & E.R.~~ conduct related to
 10 the ~~environmental env.~~ issues at her office, referring to their activities as “*negligent, reckless,*” that they
 11 “*misrepresented their activities,*” ~~and~~ that they “*intimidated [her] not to speak out about [her] safety concerns.*”
 12 Finally, Gjovik Pl. links to evidence to support her claims (~~U.S.~~ EPA websites), the policies she is asking if
 13 Apple is in ~~compliance.~~ with (Apple’s Audit ~~and~~ Finance Committee Charter, Corporate Governance
 14 Guidelines), ~~and~~ an Apple Press Release about Sugar joining the Board of Directors in 2010.

15 147.122. On Aug. 23 2021, ~~U.S.~~ EPA CERCLA Quality Assurance captured notes about the
 16 inspection, writing: “Significant, visible slab cracks, gaps, ~~and~~ penetrations had been sealed... However,
 17 large test equipment is bolted to the slab, ~~and~~ it is unclear if these installations penetrate the slab.” He
 18 added that related to the sub-slab exhaust on the roof above Gjovik's Pl.'s desk, “vapors could be building up
 19 on the roof near the HVAC intake.”

20 148.123. On Aug. 23 2021, a news article discussing Apple’s employment practices commented that:
 21 “*One Apple employee, Ashley Gjovik, has been very vocal on Twitter by stating multiple problems that have occurred*
 22 *within Apple. She alleges a powerful cover-up culture within Apple that led to her eventual administrative*
 23 *leave-“admin. leave.”* On Aug. 26 2021, Pl. filed an NLRB charge against Apple & posted on Twitter that she
 24 did so. On Aug. 27 2021, Apple’s Business Conduct team closed Pl.’s complaint about Ronald Sugar & Pl.’s
 25 Superfund office. The message posted said: “*...we have shared them with the appropriate internal teams for*
 26 *review & investigation,*” with the ticket updated to say, “*Request is closed. This request is closed & can't be*
 27 *reopened.*”

28 149. On Aug. 26 2021, ~~Gjovik filed an NLRB charge against Apple and posted on Twitter that she~~
 did so. On Aug. 27 2021, Apple’s Business Conduct team closed Gjovik’s complaint about Ronald Sugar and
 Gjovik’s Superfund office. The message posted said: “*...we have shared them with the appropriate internal*

~~1 teams for review and investigation,” with the ticket updated to say, “Request is closed. This request is closed and~~
~~2 can't be reopened.”~~

3 ~~150-124.~~ On Aug. 29 2021, ~~GjovikPl.~~ filed a formal complaint to the ~~U.S.~~-EPA about Apple ~~and~~ her
 4 office at ~~Stewart 1SD01~~, complaining of Apple’s “lack of due diligence,” complaining about “negligence,”
 5 ~~and~~ “recklessness,” ~~and~~ “violations of Right to Know & OSHA.” ~~GjovikPl.~~ complained, “Apple’s response
 6 has been to misrepresent their activities ~~and~~ the site, intimidate me to not speak about workplace safety concerns
 7 related to the site, ~~and~~ have refused to notify the ~~Federal~~-EPA of changed circumstances at the site.” ~~GjovikPl.~~ did
 8 not know about the ~~U.S.~~-EPA safety inspection ten days prior.

9 ~~151-125.~~ On ~~Sunday~~, Aug. 29 2021, at 11:32 AM PST, ~~GjovikPl.~~ filed a ~~Whistleblower Protection~~
 10 ~~Program W.P.P.~~ complaint with the US Dept. of Labor, (~~DOL~~), reference number ECN76833. On Aug. 29
 11 2021, ~~GjovikPl.~~ filed retaliation ~~and~~ labor code violation charges to the ~~California Dept. of Labor~~. ~~Cal. DOL.~~
 12 On Sept. 1 2021, ~~GjovikPl.~~ posted on Twitter that she had filed a complaint with the ~~California Dept. of~~
 13 ~~Labor~~. ~~Cal. DOL.~~ A question on the form asked: How did your employer know about the protected right you
 14 exercised? ~~GjovikPl.~~ wrote, “I kept saying, ‘Stop it, you guys. There’s Labor laws about this.’”

15 ~~152-126.~~ While ~~GjovikPl.~~ was stuck on leave, Apple had emailed her three times to ask if they may
 16 capture three-dimensional scans of her ears ~~and~~ ear canals, ~~and Gjovik& Pl.~~ complained that Apple’s
 17 requests were harassing ~~and~~ invasive. ~~GjovikPl.~~ complained that Apple frequently requested that ~~Gjovik~~
 18 ~~and Pl. &~~ her coworkers participate in invasive, oppressive, ~~and~~ humiliating medical studies, anatomical
 19 studies (like ear scans), DNA tests, biometrics data collection (like the Gobbler app), ~~and~~ other highly
 20 personal examinations. Apple did not disclose the details of the experiments until after ~~GjovikPl.~~ signed a
 21 secrecy oath ~~and~~ ‘consented’ to the activity, ~~and~~ then repeatedly threatened ~~GjovikPl.~~ with termination
 22 if she was to speak about it even to a ~~doctor~~ or attorney (as was expressly written in one Deed Poll).
 23 ~~GjovikPl.~~ felt the studies themselves were wrong, but also Apple’s practices were also wrong – especially
 24 related to demanding employee secrecy about the studies.

25 ~~153-127.~~ Around Aug. 30 2021 ~~and~~ Aug. 31 2021, ~~GjovikPl.~~ posted on social media sharing an article
 26 she was interviewed for called “Apple Cares about Privacy Unless You Work at Apple.”³⁰ In ~~Gjovik’s Pl.’s~~ posts,
 27 she complained of Apple’s surveillance of workers, its exploitation of workers, ~~and~~ Apple’s culture of
 28 _____

³⁰ ~~The Verge, Apple Cares about Privacy Unless You Work at Apple, Aug 30 2021.~~

1 intimidation ~~and~~ retaliation, ~~and~~ she compared working at Apple to being in a panopticon. The article
 2 discussed several examples of Apple's invasions of employee privacy, brought forward from Apple
 3 employees who wanted assistance from the public in reforming Apple's practices. In the article, GjovikPl.
 4 complained about the Gobbler app ~~and~~ was quoted saying "*If they did this to a customer, people would lose*
 5 *their goddamn minds.*"

6 ~~154-128.~~ On Aug. 31 2021, ~~at 7:16 AM PST,~~ the U.S. ~~Dept. of Labor~~ DOL contacted GjovikPl. to start
 7 intake for ~~Gjovik's Whistleblower RetaliationPl.'s W.P.P.~~ charges. GjovikPl. had her interview with the U.S.
 8 EEOC on Sept. 2, 2021. GjovikPl. did not request an investigation but did request a Right to Sue letter,
 9 which she received on 9, 2021, before her termination. Apple was made aware of Gjovik'sPl.'s U.S. EEOC
 10 ~~and~~ Cal. DFEH complained that she was testifying to U.S. EEOC ~~and~~ Cal. DFEH about what Apple did
 11 to her by at least Aug. 12, 2021. GjovikPl. Tweeted about her appointment with the U.S. EEOC.

12 Around Sept. 2 2021, numerous articles were published about Gjovik'sPl.'s charges against Apple.
 13 Bloomberg reported about Gjovik'sPl.'s U.S. NLRB, U.S. ~~Dept. of Labor~~ DOL, Cal. ~~Dept. of Labor, and~~ DOL,
 14 ~~&~~ U.S. EEOC charges against Apple. Bloomberg wrote,

15 "Ashley Gjovik, a senior engineering program manager at Apple, said that she filed the Aug. 26
 16 complaint, which cited harassment by a manager, a retaliatory investigation, ~~and~~ forced paid
 17 ~~administrative~~ admin. leave. Gjovik'sPl.'s situation began with fears about whether pollution had
 18 made her office a dangerous place to work. She says she was then retaliated against for voicing
 19 her concerns. "*I should be able to raise concerns about safety ~~and~~ public policy,*" she said in an
 20 interview Thursday. GjovikPl. has also filed complaints with the Occupational Safety ~~and~~
 21 Health Administration, California'sCal.'s labor commissioner's office, ~~and~~ the Equal
 22 Employment Opportunity Commission, according to documents she provided. GjovikPl. said her
 goal is to bring light to systematic problems at Apple ~~and~~ try to improve policies. "*I want to*
pierce the veil of intimidation ~~and~~ secrecy," she said in the interview. "*The employees are terrified to*
speak up about their concerns."³¹

23 On Sept. 2, 2021, Financial Times wrote about GjovikPl.:

24 "Gjovik'sPl.'s specific complaints against Apple date back to mid-March, when she cited unsafe
 25 working conditions related to "*chemical exposure*" at her Apple office in Sunnyvale,
 26 California,Cal., where more than 100 employees are based. Her office, known as "Stewart 1"
 27 within Apple, is located on what the Environmental Protection Agency refers to as the "*TRW*
Microwave Superfund site," a location requiring special oversight owing to previous contamination

³¹ ~~Nick Turner, Apple Worker Complaints Reviewed by Labor Relations Board, Bloomberg, Sept 2 2021.~~

by ~~hazardous~~haz. waste materials in the soil ~~and~~& groundwater beneath the building. In 2016, Apple paid \$450,000 to settle state claims that it mishandled ~~hazardous~~haz. electronic waste at their Cupertino headquarters ~~and~~& Sunnyvale facilities. ~~Gjovik~~Pl. said her concerns were brushed aside ~~and~~& she was warned against speaking up about them. In her letter to the NLRB, she said Apple's ~~employee relations~~E.R. Dept. "*intimidated me not to speak about my safety concerns*," that a manager advised that she quit Apple ~~and~~& was subject to sexism ~~and~~& a "dramatically increased" workload. Matters escalated when she took her complaints to Apple's Slack channels, specifically a 2,000-member forum for female software engineers. She said she was flooded with supportive comments ~~and~~& similar stories of workplace harassment — but she had since been banned from using Slack as part of her ~~administrative~~admin. leave."³²

~~155.129.~~ The press continued to cover what Apple was doing to ~~Gjovik~~andPl. & a movement starting among Apple employees who began speaking out ~~and~~& organizing with each other around work conditions ~~and~~& human rights. Apple workers, past ~~and~~& present, began publicly sharing their own stories of ~~discrimination~~., retaliation, ~~and~~& cover-ups. The press wrote about this too, ~~and~~ ~~Gjovik~~& Pl. posted about it repeatedly on Twitter. ~~Gjovik~~Pl. was not only a catalyst for many employees to come forward, but these employees catalyzed ~~Gjovik's~~Pl.'s view ~~and~~& protest of Apple's misconduct.

~~156.130.~~ On Sept. 3 2021, ~~Gjovik~~Pl. signed a contract with Business Insider to write an Op-ed about her situation with Apple ~~and~~& proposals on how Apple can address its systemic issues. ~~Gjovik~~Pl. modeled her article ~~and~~& proposals after what she had been learning about Transitional Justice at Oxford. (~~Gjovik~~Pl. received perfect grades in the 2021 Oxford program, ~~and~~ ~~Gjovik's~~& Pl.'s faculty advisor for the program would later be selected to become a member of the U.S. Chemical Safety ~~and~~& Hazard Investigation Board in 2023).

~~157.131.~~ Okpo contacted ~~Gjovik~~Pl. again on Sept. 3 2021 ~~and~~& Sept. 7 2021, asking to meet with her on Webex; implicitly denying her request to keep things in writing; ~~and~~& refusing to tell her what the meeting was about. Both times ~~Gjovik~~Pl. asked Okpo to keep things in writing due to the misrepresentation ~~and~~& intimidation. If he refused, she requested a Business Conduct review of his decision, noting he is a lawyer ~~and~~& there is a power imbalance. Okpo never responded.

~~158.~~—On Sept. 5 2021, ~~Gjovik~~Pl. messaged Josh, (J.C.), her friend ~~and~~& a ~~Senior~~Sr. Director, complaining about Apple ~~Employee Relations~~,E.R., commenting she had been researching Apple's labor

³² Patrick McGee, *US labour board examines retaliation claims against Apple*, Financial Times, Sept. 2 2021, <https://www.ft.com/content/484fa8be-925e-495e-91ff-54950b112754>

1 history ~~and~~ the issues were “*very systemic*” ~~and~~ with “*lots of bad faith conduct*,” but “*not completely*
2 *diabolical*.” (Gjovik Pl. would later refer to this dynamic instead as ‘*Waco meets Enron*.’)

3 159-132. Gjovik Pl. complained to Josh J.C. that her current interactions with Apple ~~Employee~~
4 ~~Relations E.R. team~~ made her feel “*like a very tired mom who really wants their kid to clean up the room and*
5 *has asked 1 million times and they’re not doing it and she’s like I’m really disappointed with you we both know*
6 *you’re better than this*.”³³

7 160-133. On Sept. 6 2021, Gjovik Pl. posted on social media about her U.S. NLRB, Cal. ~~Dept. of Labor,~~
8 ~~and DOL, &~~ U.S. EEOC / / Cal. DFEH cases with a status update ~~and~~ the report numbers – ~~and~~ also
9 tweeted about her U.S. SEC whistleblower tip, U.S. FBI, ~~and~~ U.S. Dept. of Justice complaints. On Sept. 6
10 2021, Gjovik Pl. replied to the U.S. EEOC confirming she was working on a draft of her complaint ~~and~~ was
11 targeting to submit it to them by Sept. 8 2021. On Sept. 8, 2021, Gjovik Pl. emailed the U.S. EEOC her draft
12 of the language for her charge.

13 161-134. On Sept. 7 2021, a few days before her termination, Gjovik Pl. discovered the second woman
14 to ever report to West had sued ~~Apple Def.~~ over West’s retaliation, constructive termination in violation of
15 public policy, ~~and~~ IIED only two years prior. The ex-colleague’s complaint explained she witnessed
16 retaliation ~~and~~ intimidation in West’s organization, ~~and~~ that West spoke openly about knowledge of his
17 employee’s fear of retaliation. She said after she raised concerns to West about this, West began retaliating
18 against her too.

19 162-135. The complaint alleged there were three sham ~~Employee Relations E.R.~~ investigations into her
20 concerns, finding no policy violations related to West’s conduct. ~~Employee Relations E.R.~~ put her on
21 ~~administrative admin.~~ leave, waited a few weeks, ~~and~~ then told her she can either accept two months of
22 severance ~~and~~ sign a release of rights to pursue legal action against ~~Apple, Def.,~~ or she can return to work
23 as things are except that West will be even more angry at her now. The coworker resigned ~~and~~ filed suit
24 instead. ~~Apple Def.~~ settled shortly after.³³ Gjovik Pl. posted on Twitter about it, expressing her displeasure.

25 163-136. On Sept. 8 2021, Gjovik Pl. replied to the US ~~Dept. of Labor DOL~~ with copies of her prior
26 filed complaints to the U.S. EEOC, U.S. NLRB, ~~U.S. EPA,~~ Cal. EPA, ~~and~~ U.S. SEC. Gjovik Pl. noted she

27

28

³³ ~~Brown v Apple Inc, Case No. 18CV330922, Superior Court of the State of California, County of Santa Clara, Complaint (July 2 2018).~~

1 was working on answering the investigator's questions ~~and~~ would reply by the deadline, which was Sept. 2 10 2021. On Sept. 9 2021, at 12:39 PM PST, GjovikPl. emailed the U.S. EEOC investigator assigned to her 3 case ~~and~~ asked the investigator if she needed anything else from GjovikPl. to move forward. Then again, 4 at 1:02 PM, asking USU.S. EEOC how she could sign the charge to meet the deadline.

5 ~~164.137.~~ Around 1 AM the morning of Sept. 9 2021, it occurred to Gjovik, and Pl., she shared ~~her~~ 6 ~~thoughts~~ in real-time on Twitter, that AppleDef. was likely spying on her personal devices because they were 7 administrators of AppleDef. servers, even for customers, ~~and~~ their work policies say they will spy on 8 employee's personal devices. (Note: The NLRB is now suing AppleDef. over that policy). GjovikPl. began 9 frantically removing her data from iCloud servers, including migrating her email, photos, ~~and~~ documents. 10 ~~165.138.~~ On Sept. 9 2021, at 2:08 PM ~~PST,~~ Gjovik, Pl. was contacted by Aleks Kagramanov, an 11 AppleDef. "Workplace Violence ~~and~~ Threat Assessment" investigator ~~demanding~~ asking to speak with 12 GjovikPl. on the phone "*within the hour.*" The email had no subject line, ~~and Gjovik had never heard of~~ Pl. 13 ~~did not know~~ the team. Kagramanov said ~~he was~~ he's "*looking into a sensitive IP matter*" ~~and~~ wanted to 14 speak with GjovikPl. He said AppleDef. "*sincerely appreciate [her] prioritizing this call ~~and~~ being flexible.*" He 15 never said GjovikPl. was under investigation.

16 ~~139.~~ GjovikPl. was sure she was about to be fired, but two minutes later, GjovikPl. promptly responded at 17 2:10 PM ~~PST,~~ saying she was willing to participate but wanted a written record of their conversations. She 18 said she will respond as quickly as she can. Kagramanov did not respond, so GjovikPl. replied again. 19 GjovikPl. responded again at 2:27 PM ~~PST,~~ complaining to the Workplace Violence interrogator of "*witness* 20 *intimidation the day before her affidavit*" ~~and~~ telling him she forwarded his emails to her NLRB investigator.

21 GjovikPl. posted on Twitter complaining of witness intimidation ~~and~~ fear of violence from Def. 22 Hey #Apple-³⁴, 'This feels a little like witness intimidation. I let @NLRB know.' Love, Ashley. Clutches panic button & Mace while still laying on the floor pondering the brutality of U.S. 23 capitalism.' -- @ashleygjovik (September 9 2021 2:33 PM).

24 ~~166.140.~~ Cal.Lab.C. § 6401.9 defines "workplace violence" as the threat or use of physical force, 25 including incidents involving guns ~~and~~ dangerous weapons. There was no legitimate explanation why this 26

27 _____

28

³⁴ "~~Hey #Apple, 'This feels a little like witness intimidation. I let @NLRB know.' Love, Ashley. Clutches panic button & Mace while still laying on the floor pondering the brutality of U.S. capitalism.'~~ -- @ashleygjovik (September 9 2021 2:33 PM).

1 team was contacting ~~Gjovik~~. ~~Gjovik~~Pl. Pl. opined about it on Twitter while she waited for Kagramanov's
 2 response, posting at 2:34 PM: "...so does he investigate the threats & violence, or is he the one that provides that as
 3 a service?"

4 167.—Kagramanov replied to ~~Gjovik's~~Pl.'s email at 2:50 PM, now saying: "We are investigating
 5 allegations that you improperly disclosed Apple confidential information." Kagramanov then also claimed
 6 ~~Gjovik~~Pl. refused to "participate" in his farcical investigation ~~and~~& announced he was suspending all of
 7 ~~Gjovik's~~ApplePl.'s Def. account access. He never shared with ~~Gjovik~~Pl. that he was apparently partnering
 8 with an ~~Apple~~Def. lawyer who assumably would have been waiting on the call/Webex to speak with ~~Gjovik~~Pl.
 9 along with Kagramanov. The specific lawyer was previously a ~~New York~~NY state criminal Asst. Dist.riet.
 10 Attorney in Manhattan prior to joining ~~Apple~~Def. a few years prior. It's unclear what their plan was if
 11 ~~Gjovik~~Pl. was to agree to speak with them.

12 168-141. ~~Gjovik~~Pl. responded to Kagramanov at 3:07 PM, reiterating that she wanted to participate.
 13 "As mentioned, I am definitely willing to participate in your investigation. I only asked that the
 14 discussion be kept to email — I said nothing about not participating in the discussion at all."
 15 ~~Gjovik~~Pl. added: "I offered to help via email to ensure we have a documented [record] of our
 16 conversations considering everything that's currently going on with my investigation ~~and~~& my
 17 complaints to the ~~government~~...gov.... I would really like the opportunity to remedy any actual
 18 issues. Please let me know what the issues are so I can make a good faith attempt at that."

19 ~~Gjovik~~Pl. added in her 3:07 PM email reply to Kagramanov: "In the meantime, without any additional
 20 context or effort to communicate with me in email, this really does feel like intimidation ~~and~~& additional
 21 retaliation, ~~and~~& I will consider it as such." ~~Gjovik~~Pl. still did not know what she was supposedly accused
 22 of.

23 169-142. On Sept. 9 2021 ~~at 4:24 PM PST~~, the U.S. EEOC investigator emailed ~~Gjovik~~Pl., saying she
 24 posted the final version of the charge ~~and~~& asked ~~Gjovik~~Pl. to sign the charge. ~~Pl.~~On Sept. 9 2021, at 4:27
 25 PM PST, ~~Gjovik~~ digitally signed her U.S. EEOC charge against ~~Apple~~Def. Then, ~~at 4:47 PM PST~~, ~~Gjovik~~Pl.
 26 emailed the U.S. ~~Dept. of Labor~~DOL with responses to their questions about her protected activity ~~and~~
 27 ~~Apple's~~& Def.'s retaliation. ~~Gjovik~~Pl. replied again at 5:26 PM PST, informing them ~~Apple's~~Def.'s
 28 Workplace Violence interrogator had just suspended her account access ~~and~~& threatened her.

29 170-143. On Sept. 9 2021, at 6:54 PM ~~PST~~, Yannick Bertolus, ~~Gjovik's Vice President, and~~Pl.'s V.P. &
 30 West's close friend, emailed ~~Gjovik~~Pl. with the subject line "Your employment status" ~~and an~~
 31 ~~attached~~dattaching a letter saying she was terminated for vague reasons. The termination letter repeated an

1 ambiguous charge of leaking ~~and~~ said she “failed to cooperate ~~and~~ to provide accurate ~~and~~ complete
2 information during the Apple investigatory process.”

3 171.—Continued Investigation: Six days later, on Sept. 15 2021, at 7:40 PM PST, Apple’s Def.’s
4 lawyers at O’Melveny & Myers, via Partner David R. Eberhart emailed Gjovik Pl. a letter implying Apple Def.
5 terminated her due to her complaining about Apple Def. asking to 3-D scan her ear canals ~~and~~ also because
6 she posted some of the surveillance photos Apple Def. secretly took of her through her phone when it was
7 illegally harvesting her biometrics through its face Gobbler app.

8 172.144. Gjovik Pl. told Eberhart that none of that was confidential ~~and~~ that she had the right to
9 protest ~~and~~ discuss it. Eberhart threatened her ~~and~~ demanded she delete several Twitter posts but never
10 cited any legal authority (because there’s none). A lawyer responded to Eberhart more formally a couple of
11 weeks later, on Gjovik’s Pl.’s behalf, warning him about Rule 11 sanctions if he attempted to pursue the matter
12 in court as his claims have no basis in fact or law. Eberhart never responded.

13 173.—On Sept. 10 2021, Gjovik testified to U.S. NLRB for her first affidavit. On Sept. 14 2021,
14 Gjovik had the second part of her NLRB affidavit. She posted about it on Twitter.

15 174.145. On Sept. 21 2021, Tim Cook emailed all Apple Def. staff complaining that someone had
16 spoken publicly to reporters about work conditions. Cook said Apple’s Def.’s “doing everything in our power
17 to identify those who leaked.” Cook said, “People who leak confidential information do not belong here.”³⁵

18 175.146. On Sept. 10 2021, Pl. testified to U.S. NLRB for her first affidavit. On Sept. 14 2021, Pl. had
19 the second part of her NLRB affidavit. She posted about it on Twitter. On Dec. 13, 2021, US DOL docketed
20 Gjovik’s Pl.’s SOX, CERCLA, ~~and~~ OSH Act cases. A Financial Times article was published on Dec. 13,
21 2021, which said:

22 “The labour Dept. will examine whether Apple retaliated over claims about occupational
23 safety ~~and hazardous~~ ~~haz.~~ waste ~~management~~ ~~mgmt.~~ liability, alongside a third allegation
24 that falls under the Sarbanes-Oxley Act, or Sox, which sets out the rules for financial record
25 keeping. Gjovik Pl. pointed to a potential conflict of interest regarding Apple board member
26 Ronald Sugar, chair of the audit committee, as he was previously chief executive of Northrop
27 Grumman NGC, the defense company responsible for the dump — ~~and~~ maintenance — of
28 waste materials beneath the Sunnyvale office. Sugar could not be immediately reached for

³⁵ Macworld, “Apple’s war against leakers is really a battle against the people that matter most,” Feb. 7 2023. (“...people who leak confidential information do not belong here. / Tattooed on Tim Cook’s right bicep: ‘Loose lips...’ And on his left: ‘...pink slips.’”)

comment. "~~Gjovik's Pl.~~'s case was "especially unusual" ~~and~~ noteworthy because of the three separate statutes or laws that may have been broken, said Michael Duff, a former attorney at the National Relations Labor Board. "Federal agencies exercise what in the context of criminal law is known as prosecutorial discretion," he said. "They are very careful of what cases they move forward because they have scarce resources, so they must have a strong reason to believe they can prevail."³⁶

~~176-147.~~ On May 20 2022, the ~~U.S.~~ EPA sent a letter to ~~Northrop-Grumman~~ ~~NGC~~ about ~~Stewart~~ ~~1SD01~~, instructing that: "EPA requires that one round of indoor air samples be collected... under current conditions."³⁷ The letter included an attached memo from the ~~U.S.~~ EPA's ~~Quality Assurance~~ ~~Q.A.~~ branch instructing ~~Northrop-Grumman (and Apple)~~ ~~NGC (& Def.)~~ that there should be an annual inspection of "verification that the floor slab ~~and~~ barrier system have not been breached or otherwise compromised; evaluation to confirm that the building has not been modified in a manner that could compromise the system; evaluation of changes to building use," in addition to also inspection roof components.³⁸

~~177-148.~~ On May 27, 2022, the ~~U.S.~~ EPA finally admitted to ~~Gjovik, Pl.~~, that there had been an inspection at her office on Aug. 19, 2021 – ~~Apple~~ ~~Def.~~ had been able to conceal it from ~~Gjovik Pl.~~ for nearly a year. On July 28 2022, ~~Northrop-Grumman~~ ~~NGC~~ told the ~~U.S.~~ EPA they were late in responding to the ~~U.S.~~ EPA's questions because ~~Apple and~~ ~~Def. &~~ the building owner stopped responding to them for weeks.

~~178-149.~~ On July 14 2022, ~~Gjovik Pl.~~ argued her unemployment insurance appeal. Prior, the case was mysteriously closed with inaccurate ~~information.~~ ~~Gjovik info. Pl.~~ won her unemployment insurance appeal, ~~and~~ a decision was issued by an Administrative Law Judge stating:

~~Gjovik Pl.~~ "received notice from the vice president that she was being discharged. The notice was vague ~~and~~ incomplete ~~and~~ stated that the claimant had disclosed confidential ~~information and~~ ~~info. &~~ had not fully participated in some investigation. Although the claimant requested specific ~~information~~ ~~info.~~ from the employer, no specific ~~information~~ ~~info.~~ was provided. Before the separation of the employment the claimant received great performance reviews ~~and~~ prior to the separation the claimant received no oral or written warning notifying her that job was in jeopardy. At all times, the claimant performed her job duties to the best of her ability. In this matter the evidence shows that the claimant was discharged for reasons other than misconduct

³⁶ Financial Times, "~~Apple faces probe over whether it retaliated against whistleblower,~~" Dec. 13 2021.

³⁷ U.S. EPA, Re: EPA Technical Comments on the Passive SSDS O&M Plan and SSDS Evaluation, 825 Stewart Avenue Sunnyvale, CA, TRW Microwave Superfund Site (CERCLIS ID# CAD009159088) (May 20 2022).

³⁸ U.S. EPA, Passive Sub Slab Depressurization (SSD) System Operation and Maintenance (April 25 2022).

connected with the most recent work.”³⁹

~~179.150.~~ In 2022, there was discussion with the US Representative’s office about bringing Gjovik’s Pl.’s situation with AppleDef. related to ~~environmental~~env. violations to a ~~US~~U.S. House Subcommittee the US ~~Representative~~Rep. chaired. On Dec. 30, 2022, the U.S. FTC confirmed they received Gjovik’s Pl.’s complaint about Apple’s Def.’s Face Gobbler ~~and Ear Scans and~~ ear scans & provided GjovikPl. with a report tracking number. GjovikPl. notified U.S. FTC in 2023 that she was taking the matter on herself in this lawsuit.

~~180.151.~~ After AppleDef. fired Gjovik, ~~GjovikPl., Pl.~~ filed additional U.S. NLRB ~~and~~ Cal. ~~Dept. of Labor~~DOL charges about Cook’s email, ~~and Apple’s& Def.’s~~ NDAs ~~and~~ other employment policies, charging they violate federal labor laws – ~~and~~ the U.S. NLRB agreed with Gjovik,Pl., issuing a Decision of Merit on her charges against AppleDef. in Jan. 2023, ~~and~~ complaint in Sept. 2024.⁴⁰

~~181.152.~~ On Jan. 20 2023, ~~U.S.-EPA~~ told ~~Northrop-Grumman~~NGC to plan to do ~~vapor intrusion~~V.I. testing at Gjovik’s Pl.’s office in March 2023. AppleDef. still had not done it for over seven years. On Aug. 31, 2023, the ~~U.S.-EPA~~ published a brief letter responding to Apple’s Def.’s May 2023 ~~vapor intrusion~~V.I. testing results at Gjovik’s ~~ApplePl.’s~~ Def. office, the first testing since Dec. 2015, calling Apple’s Def.’s testing report ~~and~~ strategy “*fundamentally incorrect*,” having “*no fundamental basis*,” “*not accurate*,” “*confusing*,” ~~and~~ “*misleading*.”⁴¹

~~182.153.~~ Plaintiff’s Pl.’s activism was deeply chilled after the retaliatory litigation resulted in a gag order from March 2022 ~~and~~ until the reverse ~~and~~ vacate in Nov. 2022. It became a crime for her to talk to anyone aspects of her claims ~~and~~ complaints, ~~and~~ so she mostly stopped talking until she would no longer face prison time for doing so. She picked up her research again in the winter of 2022/2023. (Note – PlaintiffPl. alleges this DefendantDef. is liable for this duress, ~~and~~ that it also impacted her ability to ‘discover’ what DefendantDef. did – which was probably part of the reason they did it.)

~~183.154.~~ In 2022, PlaintiffPl. was deeply traumatized by what happened to her in 2020-2021 but out of concern for public safety continued to monitor the nearby Superfund sites for any progress, updates, or

³⁹ ~~Ashley M Gjovik (Claimant Appellant); California Unemployment Insurance Appeals Board, Case No. 7253819, July 14 2022.~~

⁴⁰ ~~Amanda Silberling, Labor officials found that Apple execs infringed on workers’ rights, TechCrunch, January 30 2023.~~

⁴¹ ~~U.S. EPA, TRW Microwave Site, Northrop Grumman Vapor Intrusion Evaluation Report, Aug 31 2023.~~

1 possible revelations. Plaintiff Pl. primarily studied the TRW Microwave site, including monitoring the U.S.
 2 EPA webpages and requesting extensive public records through FOIA. She also continued to ask questions
 3 and share information info. with the U.S. EPA team overseeing the TRW Microwave site as they worked
 4 on the corrective actions with Apple and Northrop Grumman Def. & NGC.

5 184.155. Plaintiff Pl. also kept an eye on the Honeywell “Synertek” Superfund site in Santa Clara next
 6 to the apartments where she got sick in 2020. Back in 2020-2021, there were only a few theories about how
 7 she could have gotten so sick. There was an investigation by the regional U.S. EPA CERCLA team around
 8 the Synertek site because its VOC groundwater plume was historically under where these apartments are
 9 now. Gjovik Pl. was monitoring the groundwater well reporting on CalEPA’s Cal. EPA’s Geotracker GAMA
 10 application.⁴² In July 2022, she noticed that U.S. EPA had tested the Synertek wells in 2021 following her
 11 complaints (they did not tell her), and there was increasing TCE in the groundwater monitoring well
 12 closest to her prior apartment.

13 185.156. In early Jan. 2023, while checking for updates, Gjovik Pl. noticed the U.S. EPA had uploaded
 14 the 2022 Five Year Report for the Synertek site.⁴³ She read the report and had a number of questions about
 15 the report and emailed U.S. EPA and USACE with her inquires on Jan. 11 2023. Her email was organized
 16 into four parts she titled: “*Increasing TCE In Well 33-A per GAMA*”; “*2022 FYR Notes Remediation Injections*
 17 *In 2019 & 2020, With ‘Rebound Effect’*”; “*Santa Clara Square Apartments SCSA In FYR*”; and “*3250 Scott*
 18 *Blvd.*” & ARIA.

19 186.157. Gjovik Pl. was also reviewing the CalEPA Cal. EPA CERS portal for information info. on all of
 20 Apple’s California Def.’s Cal. facilities as she was building a large spreadsheet of all of Apple’s environmental
 21 and Def.’s env. & OSHA failures in California Cal. (As of Jan. 18 2023, there were 162 rows!). She noticed
 22 3250 Scott Blvd ARIA had received many inspection violations in late 2020 (probably posted in 2021),
 23 including citations for somehow losing 1,700 gallons of diesel in 2020. In her Jan. 11 2023 email, she wrote
 24 to EPA:

25 In her Jan. 11 2023 email, she wrote to U.S. EPA: “Was there an inquiry to 3250 about testing?”

26

27

28 ⁴² CalEPA, Geotracker: Groundwater Ambient Monitoring and Assessment (GAMA),
<https://www.waterboards.ca.gov/gama/>

⁴³ “*6th 5-year review rpt for Synertek, Inc. Building 1 Superfund site, w/appendices A-F*,” 55 pp, Doc. ID 100029800
 (September 8 2022). <https://semspub.epa.gov/work/09/100029800.pdf>

Apple moved in 2015, per CERS records. In 2017, Honeywell General Counsel (Kate Adams) became ~~General Counsel~~ G.C. of Apple. Was this considered during any outreach about 3250? I'd be concerned about ~~W~~V.I. at 3250 not just for workers there, but also due to chemical reactivity with the stockpile of industrial chemicals they're apparently hoarding there, & even losing tracks of thousands of gallons of." (referring to the diesel). ~~Gjovik was still focused on vapor intrusion. They did not respond.~~

~~Gjovik~~Pl. was still focused on V.I. They did not respond.

187-158. Pl. became especially curious about a few of ~~Apple's California~~Def.'s Cal. properties that seemed to be more industrial than others. She filed Public Records Act requests for records about these sites. One of these requests (Request 23-127) was filed to Santa Clara city on Feb. 9 2023 ~~and~~& included a request for ~~3250 Scott Blvd~~ARIA records in addition to three other ~~Apple~~Def. buildings in Santa Clara. On Feb. 21 2023 the city of Santa Clara responded that it would take a while to gather the records but linked to four prior requests where some records had already been released in the interim. ~~[8/18 Declaration Exhibit H].~~ The requests with records for ~~3250 Scott Blvd (Requests 22-1148 and 22-1149, ARIA~~ (filed Oct. 11 2022) were from AEI Consultants explaining they were working on "*property condition assessment reports,*" assumably for ~~Apple~~Def.

188-159. The only documents released were lists of permits. ~~Gjovik~~Pl. skimmed the permits for ~~3250 Scott Blvd and ARIA~~ & was flabbergasted to see permits for semiconductor ~~fabrication~~fab. tools (which she recognized only due to her work on hardware development at ~~Apple~~Def.). She quickly communicated her findings. She replied to ~~U.S.~~EPA complaining they still had not responded to her concerns about the groundwater wells ~~and~~& also added:

"A new, additional question for you all - is how long have you known that Apple was doing literal actual silicon fab in ~~that 3250 Scott Building~~[ARIA] since ~2016 through current? Like, back in the 1970s-1980s Silicon Valley silicon fab, ~~and~~& only .2 miles (.3 km) from RESIDENTIAL BUILDINGS. Apple's buildings permit (attached) notes solvent/chemical evaporation in the yards near the "gas bunkers" & a large number of solvent exhaust ducts to the roof from the variety of clean rooms & fab stations. The building is registered in CERS but is not a DTSC, Water Board, or ~~U.S.~~EPA site. A literal silicon fab factory that is spewing toxic chemicals into at least the air is only overseen by the city fire Dept. & which only inspected a couple times - finding open violations but apparently never even following up on them." ~~—Ashley Gjovik (2/22/23 12AM).~~
– Ashley Gjovik (2/22/23 12AM).

The ~~Plaintiff~~Pl. was very distressed.

189-160. On Feb. 21 2023 around 11:20pm, ~~Gjovik~~Pl. began tweeting about ~~Apple's~~Def.'s permits at ~~3250 Scott Blvd~~ARIA, trying to lead up to a grand reveal of the fab. However, an engineer spoiled the

1 surprise, also recognizing what she did, ~~and~~ quickly posted “@[account] do you have any IH/OH friends who
 2 can say exactly how stupid it is to do modern chip fab next to residential buildings?” to which GjovikPl. responded,
 3 “you spoiled the surprise for the non-hardware people, but good job, yes... APPLE IS SO [expletive] DUMB I’M
 4 GOING TO SCREAM.”⁴⁴ GjovikPl. then tweeted out the formal announcement:

5 “APPLE IS DOING LITERAL ACTUAL [expletive] SILICON FAB 0.2 MILES (0.3 KM) FROM
 6 THE APARTMENT WHERE I GOT SO SICK I THOUGHT I WAS DYING & APPLE
 7 VENTED THAT [expletive] INTO THE AIR FROM THEIR ROOF & THE YARD NEXT TO
 THEIR “GAS BUNKERS” RIGHT INTO MY 3RD FLOOR APARTMENT.”⁴⁵

8 GjovikPl. replied to her own post a moment later adding:

9 “I’ve been making muffled screaming noises for about twenty-five minutes now WTAF IS
 10 WRONG WITH THEM THEY MUST HAVE KNOWN THEY DID THAT [expletive] TO
 11 ME!!! No wonder they gave me that “extreme condition leave” to move out, Apple is the extreme
 condition.”⁴⁶

12 ~~190.161.~~ GjovikPl. started emailing with a friend, Lenny, about what she found. They met during her
 13 activism in late 2020 ~~and~~ emailed each other about environmentalenv. matters ongoing. She shared with
 14 Lenny she also found a “*cryptic fire Dept. gas leak report from June 2019 at 3250 Scott.*” Apple’s[ARIA]. Def.’s
 15 name was redacted, ~~and~~ the chemical name misspelled. Lenny explained;

16 “I believe the correct spelling is phosphine. This is why the county’s fire Dept.’s led the
 17 development of the model hazardoushaz. materials storage ordinance...In general, the gas releases
 have more acute health effects than the releases to groundwater.”

18 Lenny was involved it getting the Santa Clara County toxic gas ordinance passed in the 1980s ~~and~~ she
 19 trusted his expertise. †Lenny was also recently the mayor of Mountain View, as well as a City Council
 20 member, ~~and~~ member of the city’s Planning CommissionComm. in the 1980s. He is also the executive
 21 director of the Center for Public Env. Oversight. Lenny also tried to investigate how GjovikPl. was injured
 22 ~~and~~ also could not figure out it out in 2020-2022.†.

23 ~~191.162.~~ Prior to Gjovik’sPl.’s Feb. 2023 discovery, numerous governmentgov. agencies ~~and~~ experts
 24 had reviewed Gjovik’sPl.’s complaints ~~and~~ the site data; they tried to figure out what could have made her
 25 sick. Eventually there was consensus that it was probably not the Superfund site, or the existing Brownfield
 26

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⁴⁴ Twitter, February 21 2023, <https://x.com/ashleygjovik/status/1628249545367777281>

⁴⁵ Twitter, February 21 2023, <https://x.com/ashleygjovik/status/1628250591779516416>

⁴⁶ Twitter, February 21 2023, <https://x.com/ashleygjovik/status/1628256067065880577>

1 contamination – ~~and~~ the best guess was maybe something in the building materials at the apartment. That’s
 2 where it left off ~~and~~ that’s why GjovikPl. wrote “*I thought I was dying...*” in desperation ~~and~~ which was
 3 published in March 2021. This led to GjovikPl. filing a complaint to ~~U.S.~~ EPA in June 2023 about ARIA.
 4 192.163. From Sept. 2023 through Sept. 2024, GjovikPl. worked as program manager for an air
 5 pollution research project at a research university. The role was temporary ~~and~~ did not utilize her legal or
 6 engineering experience. After two years of searching ~~and~~ hundreds of applications, it was the first ~~and~~
 7 only job offer she could obtain.⁴⁷ The role was far lower seniority than her role at ~~Apple, and Gjovik’s Def.,~~
 8 ~~& Pl.’s~~ salary was reduced by 41% ~~and~~ total compensation lowered by 74%. GjovikPl. is now back on
 9 Medicaid ~~and~~ applying for EBT ~~and~~ unemployment insurance.

10 193.—On Sept. 27 2024, the ~~U.S.~~ EPA published the “Five Year Report” for the Triple Site,
 11 including the TRW Microwave site. GjovikPl. was invited to provide a comment as a community member,
 12 which she did, ~~and~~ it was included in the final public report. The report reiterated that a new Record of
 13 Decision is still needed ~~and~~ needs to address ~~vapor intrusion.~~

14 194.164. V.I. However, the report also revealed that investigation into elevated levels of TCE in the
 15 outdoor air is now focusing on the shallow groundwater at two sites, including Gjovik’s Pl.’s office. Additional
 16 testing ~~and~~ evaluations were ordered, because if true, the contaminated groundwater plume just a couple
 17 feet below the surface maybe be releasing dangerous levels of TCE into the outdoor air of the entire property
 18 ~~and~~ neighboring properties. The ~~U.S.~~ EPA also shared the raw data for the indoor air testing with Gjovik,
 19 ~~and Pl., &~~ it showed that there continued to be ~~vapor intrusion~~ V.I. inside but with chemicals at ‘acceptable’
 20 levels, with the exception of elevated levels of benzene. The report ~~and~~ analysis still have not been released.

21 195.—The NLRB issued a complaint against AppleDef. on Sept. 27 2024, over Apple’s Def.’s
 22 Business Conduct Policy, ~~and~~ NDAs, ~~Intellectual Property Agreement,~~⁴⁸. The NLRB issued a Decision of
 23 Merit in Jan. 2023, (thus the NLRB will issue a complaint ~~and~~ sue AppleDef. if AppleDef. does not settle
 24 first) about an email CEO Tim Cook sent his staff in Sept. 2021 shortly after GjovikPl. was fired. ^{49,50}

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27 ⁴⁷ ~~With the exception of brief expert consulting work for a large law firm on a class action fraud lawsuit—consulting~~
 28 ~~which abruptly ended upon Apple’s counsel demanding that Gjovik be removed from working on the lawsuit—~~
~~perhaps one of the most direct examples of denylisting ever.~~

⁴⁸ ~~32-CA-284428~~

⁴⁹ ~~32-CA-284441~~

⁵⁰ ~~32-CA-282142, 32-CA-283161~~

196.165. In Oct. 2024, NLRB issued a decision of merit that there is substantial evidence that Apple'sDef.'s placement of GjovikPl. on leave was an unlawful suspension, and& both the suspension and& termination of her employment violated federal labor laws.

LEGAL CLAIMS: RETALIATION

197.166. GjovikPl. hereby incorporates by reference each and& every allegation and& fact above and& below, into each section where that allegation and/or facts is required to support the claim at issue. Some facts and& allegations are not repeated in order to meet page limits. Where any statute of limitations is in question of possibly being expired for an alleged claim, GjovikPl., where reasonable, will argue that the statute of limitations should be tolled due to Apple'sDef.'s fraudulent concealment of numerous material facts. GjovikPl. will also argue, where applicable, the doctrine of continuing violations, equitable tolling, and& the discovery rule.

Knowledge of Protected Activities

198.167. GjovikPl. started threatening AppleDef. that she'd talk to the press about her work conditions back in June 2021 and& did talk to the press and& was quoted by NYT about AppleDef. starting in July 2021. Apple-Employee-RelationsDef. E.R. told GjovikPl. they saw it, were aware, and& were annoyed she figured out labor laws. GjovikPl. & her social media posts were covered by the press. GjovikPl. provided quotes and& additional informationinfo. Each time a new article was published, Apple'sDef.'s public relations team was directly notified by the press, requesting comment.

199.168. Further, in mid-July 2021 GjovikPl. directly notified Employee-RelationsE.R. that she and& other coworkers were posting on social media complaining AppleDef. was invading their privacy with overly aggressive medical release forms for ADA accommodation requests. Employee-RelationsE.R. also interrogated PlaintiffPl. around July 29 2021 about the statements she was making and& urged her to stop talking about work conditions, even with her coworkers and& on AppleDef. systems.

200.169. After being put on leave on Aug. 4 2021, and& speaking out on Twitter and& in the press, GjovikPl. quickly received an email from Apple-Employee-Relations,Def.'s E.R., Okpo, on Aug. 5 2021 complaining about what she said and& falsely accusing her of lying. (In Sept. 2024, the NLRB issued a dDecision of mMerit that there is substantial evidence that Okpo's email violated federal labor laws.)

201.170. GjovikPl. observed an incredible response from her coworkers while she was sharing stories and& documents in Aug. 2021, with many discussions on Apple'sDef.'s Slack tool for employees, including

1 many employees saying, ~~and~~ telling her, that they had reported the people she complained about ~~and~~
 2 asked AppleDef. to do the right thing with GjovikPl. One post even led to a petition within Apple—Gjovik
 3 ~~had.~~ Pl. shared a “Radar” work tracking ticket that was titled with the goal of making her life “*a living Hell.*”
 4 “#Apple makes great products, & some workers have a great experience, but some don't. Everyone
 5 who knows me at work knows I've dealt with more abuse than anyone should have. (See: “Make
 6 Ashley's Life a Living Hell”... & they really did). No one seems surprised I finally broke.” [Image]
 10:55 PM · Aug 12, 2021

7 202.171. Dozens of employees started commenting in the Radar; after seeing it on her social media,
 8 demanding AppleDef. improve its conduct. Several people said they had reported the Radar to Human
 9 ~~Resources.~~ This was H.R. around Aug. 16 2021. One would think if dozens/hundreds of employees are
 10 complaining about abuse GjovikPl. faced, as shared on social media, that AppleDef. might think to read her
 11 social media. Per Def.'s 2022 position statement, Def. was also supposedly investigating Pl.'s Twitter posts
 12 from Aug. 28 2021-Sept. 9 2021, which would assumably include reading Pl.'s Twitter posts.

13 ~~203.— Per Apple's 2022 position statement, Apple was also supposedly investigating Plaintiff's~~
 14 ~~Twitter posts from around Aug. 28 2021-Sept. 9 2021—which would assumably include reading Gjovik's~~
 15 ~~Twitter postings.~~

16 204.172. Finally, as part of the steps leading to Plaintiff'sPl.'s termination, one of the supposed reasons
 17 she was to be terminated, as communicated by ~~Human Resources~~H.R. to her VP, was that she supposedly
 18 failed to participate in the ~~Employee Relations~~E.R. investigation by redacting the evidence she provided
 19 ~~Employee Relations~~E.R. However, she did not redact any records in her Box folders for Employee
 20 RelationsE.R. She did however redact the internal records she was posting on Twitter. AppleHRDef. H.R.
 21 must have gotten confused ~~and~~ mixed up their Twitter stalking screenshots with the records PlaintiffPl.
 22 provided them directly. AppleDef. never raised the matter to Gjovik and GjovikPl., & Pl. only discovered
 23 this fact via discovery.

24 205.173. AppleDef. apparently continued to monitor her posts after Sept. 2021 (attempting to get
 25 Twitter to delete some of them, admitted in U.S. ~~Dept. of Labor~~DOL filings) ~~and~~ through Jan. 2022
 26 (ApplegateJ.A. wrote to PlaintiffPl. upset that she tried to get Plaintiff'sPl.'s Twitter posts deleted but found
 27 out AppleDef. also reported them ~~and~~ it was Apple'sDef.'s reports that resulted in the posts being deleted).
 28) & onward. Def. is certainly reading Pl.'s Twitter & other social media & has been for years. Def. also had
knowledge of Pl.'s activities through direct updates form Pl., info. shared by agencies arising out of Pl.'s
complaints, press coverage of Pl., & any surveillance they were conducting of her personal & work devices

1 (which Def.'s policies said they would do).

2 206. ~~Apple is certainly reading Gjovik's Twitter and other social media and has been for years.~~
 3 ~~Apple also had knowledge of Gjovik's activities through direct updates from Gjovik, information shared by~~
 4 ~~agencies arising out of Gjovik's complaints, press coverage of Gjovik, and any surveillance they were~~
 5 ~~conducting of her personal and work devices (which Apple's policies said they would do).~~

6 207.174. For Cal. Labor Code ~~Section~~ §§ 98.6 and 1102.5, any issues with statute of limitations
 7 related to the claims or remedies (*i.e.* penalties/fines), is equitably tolled by ~~Gjovik's Pl.'s~~ timely complaints
 8 sitting in the Cal. ~~Dept. of Labor~~ DOL queue for years before ~~Gjovik Pl.~~ kicked the claims out into this lawsuit.
 9 This lawsuit replaced the ~~California Dept. of Labor~~ Cal. DOL DIR case *Ashley Gjovik v Apple Inc*, RCI-CM-
 10 842830. ~~Gjovik Pl.~~ filed the initial claim on Aug. 29 2021, prior to ~~Apple Def.~~ terminating her employment.

11 **Count One: Wrongful Discharge in Violation of Public Policy** ~~(Tamney claim)~~

12 208.175. ~~Apple Def.~~ retaliated against ~~Gjovik and Pl. &~~ discharged ~~Gjovik's Pl.'s~~ employment for a
 13 variety of reasons that violated public policy. Among other unlawful reasons, ~~Gjovik Pl.~~ was terminated in
 14 violation of the "*strong public interest*" reflected "*in encouraging employee reports of illegal activity in the*
 15 *workplace.*" Certain concurrent claims are incorporated here as Tamney sub-claims. Specifically: Cal.Lab.C.
 16 §§ 96(k), 98.6, 232, 232.5, 1102.5, and 6310. ~~The following~~ These sub-claims are included in addition:

17 **Illegal Data Harvesting [Cal. Const. Article I, Section 1; FTC Act]**

18 209.176. ~~Apple's~~ Def.'s coercive and unlawful data collection of biometric, genetic, anatomical,
 19 and surveillance data is a gross and egregious violation of Article I Section 1 of the ~~CALIFORNIA~~ Cal.
 20 Constitution; the ~~CALIFORNIA~~ Cal. Privacy Rights Act; the U.S. FTC Act; Cal.Pen.C. § 637.7, and the
 21 ~~INTERNATIONAL COVENANT~~ Int. Cov. on Civil AND Political Rights: Article VII ~~on Free Consent~~.

22 210.177. ~~Apple's Def.'s~~ supposedly legitimate reason for terminating ~~Gjovik, Pl.,~~ while false and
 23 pretextual, is an illegality itself. ~~Apple Def.~~ claims it fired ~~Gjovik Pl.~~ for complaining about ~~Apple's Def.'s~~
 24 surveillance of employees, including coercive data collection of biometrics and invasive 24/7 video
 25 recording. ~~Apple Def.~~ discriminated against ~~Gjovik Pl.~~ (including terminating her employment) due to
 26 ~~Gjovik's Pl.'s~~ actions related to her constitutional and statutory right to privacy, which are rights that
 27 benefit the public, are substantial and fundamental rights, and which were firmly established at the time
 28 of discharge. ~~Apple's Def.'s~~ decision to use this as their excuse for terminating ~~Gjovik Pl.~~ reveals
 Apple's Def.'s animus against ~~California~~ Cal. employees' privacy rights.

211. — AppleDef. also intruded into Gjovik'sPl.'s seclusion, physically ~~and~~ constructively invading Gjovik'sPl.'s privacy [Cal. Civ. Code § 1708.8(a), (b), (d)], ~~and Apple& Def.~~ surveilled Gjovik and Pl. & forced GjovikPl. to surveil others with the always-on video camera in her iPhone, including in bathrooms ~~and~~ locker rooms in violation of CaliforniaCal. Labor Code § 435. The Gobbler app did take videos ~~and~~ photos of GjovikPl. in the bathroom ~~and Gjovik& Pl.~~ has copies of those images.

212.178. Apple's Def.'s use of Gobbler on Gjovik'sPl.'s phone also forced GjovikPl. to participate in Apple'sDef.'s unlawful acts by facilitating Apple'sDef.'s secret capture, storage, ~~and~~ processing of photos, videos, ~~and biometric information& biometrics~~ of the public without their knowledge or consent. Apple'sDef.'s termination of Gjovik also Pl. stated that if Appleshe were to warn people what was occurring on her phone, she would be fired. Therefore, Apple'sDef.'s unfair business practices made consent from the public impossible. The public had a reasonable expectation of privacy for ~~their highly~~ sensitive biometrics.

213.179. AppleDef. also violated Section§ 5 of the FTC Act in unlawfully coercing employees to provide personal ~~and~~ sensitive data for commercial product development, which was also engaging in unfair acts or practices that can harm consumers, cannot be avoided by consumers, ~~and~~ are unreasonable, ~~and~~ misleading statements to consumers.⁵¹ Employees can be consumers under the FTC Act as an employee of AppleDef. who goes out ~~and~~ buys an iPhone is an AppleDef. customer who now owns an AppleDef. product with consumer protection laws protecting them. (~~This sub-claim is connected to the Cal. B&P Code § 17200 et seq. claim~~).

Employment Discrimination. [Cal. DFEH; U.S. EEOC]

214. — Gjovik]: Pl. reported ~~and~~ testified about topics including complaints about sex, gender, ~~and~~ disability discrimination, which are “fundamental” rights for the purpose of a *Tamney* claim. GjovikPl. filed Cal. DFEH, ~~and~~ U.S. EEOC claims on Aug. 12 2021, ~~and~~ proceeded to testify ~~and~~ provide evidence, requesting a Right to Sue letter, which she was granted on Sept. 9 2021, just hours before AppleDef. fired her.

215.180. AppleDef. retaliated against GjovikPl. for opposing Apple'sDef.'s discriminatory practices. GjovikPl. also reported to U.S. NLRB ~~and~~ the U.S. ~~Dept. of JusticeDOJ.~~ Civil Rights before her termination. AppleDef. discriminated against GjovikPl. (including terminating her employment) due to

⁵¹ ~~US FTC, FTC Act Section 5: Unfair or Deceptive Acts or Practices, Consumer Compliance Handbook.~~

1 Gjovik'sPl.'s actions related to a constitutional ~~and~~ statutory right to be protected from discrimination.
2 due to her sex ~~and~~ due to her disabilities, which is a right that benefits the public, is a substantial ~~and~~
3 fundamental right, ~~and~~ which was firmly established at the time of discharge.

4 **Crime Victim/Witness Discrimination. [Cal. Labor Code § 230(e)]**

5 ~~216.181.~~ Apple): Def. discriminated against Gjovik(Pl., including terminating her employment), due
6 to Gjovik'sPl.'s actions related to a constitutional ~~and~~ statutory rights to be protected from crime ~~and~~
7 seek justice for injury caused by crime, which is a right that benefits the public, is a substantial ~~and~~
8 fundamental right, ~~and~~ which was firmly established at the time of discharge [~~Cal. Lab. Code § 230(e)~~].
9 Gjovik. Pl. was a "victim of a crime that caused physical injury" ~~and she~~ suffered "physical, psychological, ~~and~~
10 financial harm due to the attempted commissions of a crime or delinquent act."..."

11 **LegislativeLeg. Witness Discrimination. [Cal. Gov. Code § 9414]**

12 217.—Apple]: Def. knew GjovikPl. was talking to legislatures about what occurred to her next to
13 ARIA, ~~and Apple~~ Def. knew that it was AppleDef. who was responsible for Gjovik'sPl.'s harm, despite
14 GjovikPl. not knowing that fact yet. AppleDef. knew GjovikPl. may testify at legislativeleg. committees about
15 the air pollution caused by Apple. Applethe Def. The Def. undertook an effort to ensure GjovikPl. did not
16 testify ~~and~~ to harass GjovikPl. because GjovikPl. may testify to a committee.

17 218.182. Apple Def. also knew GjovikPl. was talking to elected officials about its retaliation against
18 GjovikPl. after her termination, including a State Senator, a ~~US Representative, and~~ U.S. Rep., & a ~~US~~ U.S.
19 Senator. It is enough to establish a nexus that AppleDef. had reason to think GjovikPl. planned to be a witness
20 for an agency or committee. It is also illegal under ~~California Penal code~~ Cal. P.C. to intimidate witnesses, or
21 to threaten witnesses before and/or after testimony. [Cal ~~Penal Code~~ P.C. 140(a) 137(b) 136.1]. Further,
22 Apple'sDef.'s also violated Cal. Gov. Code § 9414 (a misdemeanor public offense) by harassing ~~and~~
23 retaliating against Gjovik,Pl., by attempting to prevent ~~and~~ dissuade Gjovik'sPl.'s testimony for a
24 proceeding, ~~and~~ by depriving, threatening, ~~and~~ attempting to deprive or requesting GjovikPl. not be
25 employed due to GjovikPl. being a witness for a committee, ~~and~~ giving testimony to a committee as a
26 witness or victim.

27 **Count Two: CaliforniaCal. Whistleblower Protection Act**

28 **(Violation of (Cal.Lab.C. § 1102.5))**

1 219.183. PlaintiffPl. re-alleges and& incorporates by reference each and& every allegation set forth
 2 above, as though fully set forth in this Claim for Relief. AppleDef. violated § 1102.5 when it took adverse
 3 employment action against GjovikPl. due to Gjovik'sPl.'s protected activity in disclosing informationinfo. to
 4 a governmental or law enforcementenf. agency, to a person with authority over the employee, or to another
 5 employee who has authority to investigate, discover or correct the violation; or providing informationinfo.
 6 to or testifying before, any public body conducting an investigation, hearing, or inquiry.

7 220.184. Cal.Lab.C. § 1102.5 also covers Gjovik'sPl.'s public disclosures as due to Apple'sDef.'s
 8 extreme power and& control over the governmentgov. agencies who are supposed to be able to regulate it,
 9 often the only party in a position to force AppleDef. to correct the issue is the public. Many of Gjovik'sPl.'s
 10 public statements in Aug. and& Sept. 2021, and& statements to coworkers in June and& July 2021, all before
 11 her termination, noted that was why GjovikPl. was bringing her complaints forward to her coworkers and&
 12 the public – so the public pressure may force AppleDef. to do the right thing for once. At the very least,
 13 AppleDef. was monitoring Gjovik'sPl.'s social media activity and& articles, so AppleDef. was informed of
 14 her disclosures through that surveillance.

15 221.—GjovikPl. filed several complaints under multiple laws, which were known to Apple
 16 executivesDef. exec.'s, bosses, and& administrators (by GjovikPl. informing them directly, or by GjovikPl.
 17 speaking about them publicly on social media and& the press, or by Apple'sDef.'s surveillance of GjovikPl.
 18 before her termination.

19 222.185. AppleDef. discharged and& discriminated against GjovikPl. in retaliation for Gjovik'sPl.'s
 20 disclosure of informationinfo. about Apple'sDef.'s unlawful acts and& omissions. GjovikPl. disclosed
 21 Apple'sDef.'s violations of numerous laws as incorporated from allegations to governmentgov. agencies, the
 22 public, the press, andApplemanagement. Gjovik& Def. mgmt. Pl. had a reasonable cause to believe that the
 23 informationinfo. she disclosed violated the statute and& was non-compliant with a rule or regulation.

24 223.—ViolationsPl. complained of violations of the anti-retaliation provisions of environmentalenv.
 25 laws, specifically, 42 U.S.C. §§ 9610 and& 7622 and& 15 U.S.C. 2622. Violations of the anti-retaliation
 26 provisions of environmentalenv. laws. 42 U.S.C. § 9610, and& 42 U.S.C § 7622, and& 15 U.S.C. § 2622.
 27 Filed complaints to the U.S. EPA, CalEPA, and& U.S. Dept. of LaborDOL around Aug. 29 2021.

28 224.—Violation Pl. complained of violations of § 8(a)(1) of the NLRA. Filed complaints to U.S.
 NLRB about NLRA § 8(a)(1) violations on Aug. 26 2021. ComplaintsPl. initiated a proceeding with an
 NLRB field agent contacting GjovikPl. for an interview in early Sept. 2021. NLRB issued a decision of merit

1 on Gjovik's Pl.'s claims and filed suit against Apple Def. in Oct. 2024.

2 Filed Pl. also filed complaints to CalDOL, CalOSHA, and US Dept. of Labor Cal. DOL, & U.S. DOL re:
3 CCR, Title 8, General Industry Safety Order 5194.

4 225.—Violation Pl. complained of violations of 29 U.S.C. § 660; Violations of the OSH Act at 29
5 U.S.C. § 660. Filed complaints to CalOSHA, US Dept. of Labor DOL. Complaint initiated a proceeding
6 with a Wage & Hour investigator contacting Gjovik Pl. for information info. in early Sept. 2021.

7 226.—Violation Pl. complained of violations of the California Cal. Constitution's right to privacy
8 (but not related to Gobbler); Made; made complaint to Apple management Def. mgmt. in Aug. 2021,
9 Shared concerns with reporter for advocacy article in Aug. 2021: "Apple Cares about Privacy, Unless You're
10 an Apple Employee." Made; and made complaints on social media in Aug. – Sept. 2021.

11 Violation Pl. complained of violations of 42 U.S.C. § 2000e and California Government & Cal. Gov.
12 Code § 12920. Anti-Discrimination Laws (Basis of Sex and Disability). Filed anti-discrim. laws (sex &
13 disability). Pl. filed complaints to U.S. Dept. of Justice DOJ Civil Rights in Aug. 2021. Filed complaints, and
14 to U.S. EEOC and Cal. DFEH in Aug. 2021, (Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e;
15 California Government Cal. Gov. Code § 12920.).

16 Count Three: Cal. Labor Code § 6310

17 227.186. Apple Def. violated § 6310 via discrimination, suspension, discharge, or threat of discharge
18 against Gjovik Pl. for Gjovik Pl. complaining about unsafe work conditions or practices, instituting, or causing
19 to be instituted proceedings related to her right to safe and healthful working conditions, testifying about
20 workplace safety, and exercised her rights under the California Cal. OSH Act. Apple Def. also took the
21 above negative actions due to fear that Gjovik Pl. would engage, or engage further, in the activities above.
22 Gjovik's Pl.'s safety complaints and inquiries were a substantial motivation reason for Apple's Def.'s
23 decision to discharge, discipline, and discriminate against Gjovik Pl.

24 228.187. Apple Def. discriminated against and discharged Gjovik Pl. because Gjovik Pl. complained
25 about safety and health conditions or practices at the workplace to Apple Def. managers and her
26 coworkers, including chemical exposure. Apple Def. discriminated against and discharged Gjovik Pl.
27 because Gjovik Pl. reported work-related injuries and illnesses, and requested information info. about
28 work-related injury and illness reports or records. Apple Def. knew about Gjovik's Pl.'s complaints through
conversations, emails, meeting notes, internal complaints, external complaints, public interviews, and

1 social media posts.

2 229:188. GjovikPl. filed a Retaliation claim with the California Dept. of Labor Cal. DOL on Aug. 29
3 2021, and Apple& Def. was notified of such before her termination. GjovikPl. complained of unsafe work
4 conditions and& internal violations of safety laws/rules/standards to Apple,Def., the U.S. EPA, CalEPA,
5 and Cal. EPA, & OSHA.

6 GjovikPl. complained about violations of, and& issues related to, numerous topics, including:

- 7 – HazCom and& employee exposure to chemicals [Cal.Lab.C. §§ 6398, 6400-6405, 6408; 8 Cal.
Code. Reg. § 340.2; 29 CFR Z; OSH Act § 1910.1020]
- 8 – COVID-19 safety and& communication [Cal.Labor.C. §§ 6325; 6409.6, 6432]
- 9 – Wildfire smoke safety [Cal.C.Reg. Title 8, § 5141.1]
- 10 – Employee injury tracking and& reporting [8 Cal.C.Reg. § 14300]
- 11 – Efforts to reduce e-waste; and Apple's& Def.'s prior e-waste (Universal HazardousHaz. Waste)
12 violations. [Cal. Health/Safety; RCRA]
- 13 – Environmental safety including vapor—intrusionV.I. exposure [Cal.Lab.C. § 6406;
CERCLA/SARA, RCRA, CAA, CWA, OSH Act HazCom]
- 14 – Right to Know [EPCRA; Cal.Lab.C. § 6399.7] and& Proposition 65, the Safe Drinking Water
15 and& Toxic Enforcement Act of 1986 [Cal. Health & Safety Code §§ 25249.5 to 25249.14].
- 16 – OSH Act Workplace Violence [Cal.Lab.C. §§ 6401.7, 6401.9]

17 AppleDef. retaliated against GjovikPl. preemptively out of fear that GjovikPl. would file additional complaints
18 related to health and& safety at the workplace. AppleDef. hoped its retaliation would cause GjovikPl. to drop
19 her existing complaints out of fear and& intimidation, and& to prevent GjovikPl. from filing additional
20 complaints.

21 Count Four: Cal. Labor Code § 98.6

22 Violation of Cal.Lab.C. § 98.6

23 230:189. AppleDef. violated Cal.Lab.C. § 98.6 when AppleDef. did discharge and& discriminate
24 against GjovikPl. for engaging in certain activities, including “*filing a complaint with the Labor Commissioner*
25 *or testifying in such proceedings.*” GjovikPl. filed a complaint with the CaliforniaCal. Labor Commissioner on
26 Aug. 29 2021 and Apple& Def. was notified she did so through her public statements and& notification from
27 the agency. Def. violated § 98.6 by retaliating against Pl. due to Pl. filing a claim with & causing to be
28 instituted proceedings related to the rights under the jurisdiction of the Cal. Labor Commissioner, & for
exercising rights provided to her under Cal. Labor Code on behalf of herself & on behalf of other employees.

1 Def. punished her for doing so.

2 231.—~~Apple violated § 98.6 by retaliating against Gjovik due to Gjovik filing a claim with and~~
 3 ~~causing to be instituted proceedings related to the rights under the jurisdiction of the California Labor~~
 4 ~~Commissioner, and for exercising rights provided to her under California Labor Code on behalf of herself~~
 5 ~~and on behalf of other employees. Apple punished her for doing so.~~

6 232.—Animus was shown in many of the comments ~~and&~~ communications from AppleDef.
 7 employees, managers, ~~and&~~ agents before ~~and&~~ after AppleDef. terminated GjovikPl. Comments frequently
 8 referenced Gjovik'sPl.'s protected activities, but claimed GjovikPl. was lying ~~and&~~ acting in bad faith, ~~and~~
 9 ~~then&~~ argued that because GjovikPl. make the complaints, she should be punished for it.

10 233.190. Apple. Def. retaliated against GjovikPl. due to Gjovik'sPl.'s protected activity, ~~and&~~ she
 11 suffered ~~materially~~ adverse actions with a causal connection to the protected activity. AppleDef. engaged in
 12 actions prohibited by this section (~~termination, suspension, discipline, harassment, etc.~~) within 90 days of
 13 Gjovik'sPl.'s protected activity.⁵²

14 Violation of Cal. Labor Code § 232.5 via §§ 98.6, 98.7

15 234.—Apple: Def. violated Cal.Lab.C. § 232.5 when disciplining ~~and&~~ discharging GjovikPl. for
 16 disclosing informationinfo. about Apple'sDef.'s working conditions. Gjovik'sPl.'s protected activities
 17 included filing complaints about work conditions ~~and&~~ discussing work conditions with coworkers ~~and&~~ the
 18 public, all covered under § 232.5.

19 235.—AppleDef. discharged, disciplined, ~~and&~~ discriminated against GjovikPl. due to her
 20 disclosure of informationinfo. about Apple'sDef.'s work conditions. This applies to both the true reason
 21 AppleDef. fired Gjovik and Apple'sPl. & Def.'s proffered ~~supposedly legitimate~~ reason for terminating
 22 Gjovik.

23 236.191. ApplePl.. Def. claims its NDAs prohibit GjovikPl. from speaking about work conditions
 24 ~~and&~~ that if GjovikPl. does speak about work conditions, it violates her NDA, ~~and&~~ that violation is grounds
 25 for immediate termination.

26 Violation of Cal. Labor Code §§ 232, 232.5 via §§ 98.6, 98.7

27 237.—Apple: Def. violated Cal.Lab.C. §§ 232, 232.5 when it harassed, disciplined, discriminated
 28

⁵² Cal. SB 497: Protected employee conduct. Section 1, Section 98.6(b)(1) [Signed October 8 2023; Effective January 1 2024].

1 against, ~~and~~ fired GjovikPl. due to Gjovik'sPl.'s discussion of her wages ~~and~~ the wages of AppleDef.
 2 employees.

3 238.192. GjovikPl. participated in a pay survey with her coworkers in late July 2021, when she
 4 suggested the survey capture informationinfo. on gender. In Aug. of 2021 GjovikPl. participated in an
 5 employee pay survey that was being shared on Slack. GjovikPl. suggested adding a question about gender
 6 ~~and~~ added it herself in the spreadsheet.⁵³ (§ 1197.5)

7 239.193. She also shared her wages on social media ~~and~~ discussed pay with her coworkers on social
 8 media in Aug. 2021, the DefendantDef. knew ~~and~~ retaliated against her because she did so. In the evening
 9 of Aug. 3 2021, GjovikPl. posted on a popular Slack group at Apple,Def., linking to three of Apple'sDef.'s
 10 policies, ~~and~~ quoting "*Nothing in these guideless should be interpreted as restricting your right to speak freely*
 11 *about your wages, hours, or working conditions.*" GjovikPl. encouraged her coworkers to speak out ~~and~~
 12 organize. GjovikPl. was put on leave the next morning. GjovikPl. posted on Twitter about doing this a few
 13 days later.

14 "There's a strange idea in #Apple that speaking out about #workconditions violates our
 15 employment contract (a doc many of us never got a copy of nor is there a formal way to req) but
 16 I took pics & mine has rights in a footnote. I also reminded folks the eve before put on leave.
 @ashleygjovik 1:33 PM · Aug 9, 2021.

17 After PlaintiffPl. was put on leave, the pay survey was shutdown, supposedly because there was a
 18 question about gender. There was news coverage of AppleDef. shutting down pay surveys ~~and~~ public
 19 criticism about the matter:

20 Apple keeps shutting down employee-run surveys on pay equity — ~~and~~ labor lawyers say it's
 21 illegal, the company bans surveys that include diversity data, Aug 9, 2021, "Apple did not
 respond to a request for comment from The Verge."⁵⁴

22 Apple just banned a pay equity Slack channel but let's fun dogs channel lie. The company's rules
 23 around Slack usage are not being evenly enforced, Aug 31, 2021, Apple did not immediately

24

25

26

27

⁵³ Cal. Labor Code § 1197.5

28 ⁵⁴ "Last week, employees tried to start another pay equity survey but were again told to take it down because it
 included a question on gender. When they created a new survey without the gender question, the Apple people team
 allegedly said it had to be shut down because it was hosted on the company's corporate Box account."

"<https://www.theverge.com/2021/8/9/22609687/apple-pay-equity-employee-surveys-protected-activity>

respond to a request for comment from The Verge.⁵⁵

“Apple says it has pay equity, but an informal employee survey suggests otherwise: Employees say there’s a six percent wage gap between the salaries of men ~~and~~ women who responded to the survey,” Aug 23, 2021. In response to a request for comment from The Verge, Apple spokesperson Rachel Tulley sent the company’s already public statement on pay equity.”⁵⁶

~~240:194.~~ GjovikPl. also tweeted out her salary in solidarity to those organizing around pay. An NLRB charge was filed about AppleDef. shutting down the pay surveys in Sept. 2021, prior to Gjovik’sPl.’s termination, ~~and~~ NLRB issued a decision of merit in Jan. 2023. GjovikPl. also found a prior US DOJ lawsuit against AppleDef. for salary price fixing, posted about it, ~~and~~ compared it to Apple’sDef.’s recent actions shutting down pay surveys.

“The DOJ announced in 2010 that it had settled with #Apple & others, establishing that they would cease their illegal hiring practices. The DoJ noted this complaint is part of a larger antitrust inquiry into employment practices by high tech firms.”
@ashleygjovik Aug 31, 2021

“Lawsuit accuses Apple, others of fixing worker pay: large tech companies conspired with one another to lowball salaries.” @ashleygjovik 4:55 PM · Aug 31, 2021

Not much has changed in 16 years.... 8/31 - “Apple just banned a pay equity Slack channel but let’s fun dogs channel lie” <https://theverge.com/2021/8/31/22650751/apple-bans-pay-equity-slack-channel> @ashleygjovik 3:58 PM · Aug 31, 2021

All of these posts were made prior to AppleDef. supposedly opening an extensive investigation into Gjovik’sPl.’s Twitter ~~posts~~, per AppleDef., thus AppleDef. admits it ~~had~~ reviewed the posts prior to terminating GjovikPl.

Violation of Cal.Lab.C. § 96(k) via §§ 98.6, 98.7

~~241:195.~~ Apple: Def. violated Cal.Lab.C. § 96(k) when it demoted, suspended, discharged from employment, threatened discharge, ~~or otherwise~~ discriminated against GjovikPl. for Gjovik’sPl.’s lawful

⁵⁵ “Pay equity has been a hot topic among Apple employees over the past few months. The company has shut down multiple employee surveys aimed at gathering data on how much workers make.”
<https://www.theverge.com/2021/8/31/22650751/apple-bans-pay-equity-slack-channel>
<https://www.theverge.com/2021/8/23/22633141/apple-pay-equity-survey-results-wage-gap>

1 conduct occurring during nonworking hours away from the employer's premises ~~when, &~~ that conduct
 2 involved the exercise of ~~a right~~ rights protected by the ~~California Constitution~~ Cal. Const.

3 242:196. GjovikPl. engaged in lawful conduct asserting "recognized constitutional rights" ~~and~~
 4 "rights under the Labor Code" occurring during nonworking hours – while she was on leave, away from
 5 Apple'sDef.'s premises. AppleDef. put GjovikPl. on leave. GjovikPl. did not want to be on leave. GjovikPl.
 6 asked to come back, ~~and Apple & Def.~~ said no. AppleDef. cannot then turn around ~~and~~ claim the "leave"
 7 was work time or the workplace. AppleDef. told GjovikPl. she had been "*removed from the workplace.*" Until
 8 AppleDef. let GjovikPl. return to work, GjovikPl. was off duty. GjovikPl. posting about work conditions in
 9 her personal time does not transform Gjovik'sPl.'s personal time into work time.

10 243:197. AppleDef. terminated GjovikPl. for a variety of illegal reasons, including many of the public
 11 statements GjovikPl. made while on leave in Aug. – Sept. 2021. GjovikPl. spoke frequently on social media
 12 ~~and~~ to the press about harassment ~~and~~ safety issues at Apple;Def.; as was her inherent right to be free
 13 from discrimination under Cal. Const. Article 1, §§ 8, 31, ~~and~~ her right to physical safety under Cal. Const.
 14 Article 1, § 1. GjovikPl. also spoke frequently about the ~~environmental~~ env. crimes she witnessed ~~and~~ was
 15 victim to at her apartment in 2020 ~~and~~ with Apple'sDef.'s conduct at her ~~Superfund~~ office. GjovikPl.
 16 complained about the intimidation ~~and~~ threats she received ~~and~~ advocated for victim's rights – as was
 17 her right under Cal. Const. Article 1, § 28. AppleDef. violated Cal.Lab.C. §96(k) when it retaliated against
 18 GjovikPl. for making these statements, which she had a constitutional right to make, ~~and~~ which she made
 19 outside of worktime ~~and~~ outside of the workplace.

20 244:198. In addition, even Apple'sDef.'s supposed legitimate justification for firing GjovikPl. was
 21 simply retaliation for protected statements made by GjovikPl. outside of worktime ~~and~~ the workplace,
 22 ~~and~~ about subjects rooted in her constitution rights. GjovikPl. was complaining about unlawful ~~and~~
 23 unethical surveillance, ~~and~~ invasions of privacy, by Apple, towards Gjovik and Def., to Pl. & her coworkers.
 24 Thus, Apple'sDef.'s supposedly legitimate justification is illegitimate. ~~GjovikPl.~~ has a self-executing right
 25 to protest invasions of privacy under Cal. Const. Article. 1, § 1.

26 Count Five: Private Nuisance

27 LEGAL CLAIMS: TOXIC TORTS

28 Tolling Theories

1 245:199. Gjovik Pl. spent an incredible amount of time in 2020-2021 researching and& investigating,
 2 trying to figure out what happened to her next to 3250 Scott Blvd. ARIA. She reviewed public records for all
 3 the nearby next-door buildings including 3250 Scott Blvd. ARIA. When she pulled 3250 Scott up on the U.S.
 4 EPA portal in 2020, the ECHO page noted that there had been no TRI releases reported since the 1990s,
 5 cited no violations or issues, and& made the office look quite benign.

6 246.—Gjovik Pl. discovered ARIA when she received request from her public records request about
 7 environmental and env. & safety compliance, at multiple Apple Def. buildings. One request returned a list of
 8 permits for ARIA, and& she realized it was fab. Prior to her discovery of Apple's Def.'s fab, Plaintiff Pl. only
 9 knew she was exposed to chemicals somehow – but did not know exactly what those chemicals were, did not
 10 know where they came from or how they got in her apartment, and& did not know if there was wrongdoing
 11 or what type of wrongdoing might have occurred.

12 247:200. Apple Def. managed ARIA as an unmarked office building without any designation as to who
 13 was using the building or what they were using it for. In the regulatory paperwork that did exist (mostly city
 14 HazMat citations and& leak/spill reports), Apple Def. repeatedly tried to use the code name ARIA and& to
 15 disguise their activities—repeatedly failing to use the proper codes to designate semiconductor
 16 fabrication fab.

17 248:201. Apple Def. was engaged in ultrahazardous activities with strict liability, and& also had a
 18 critical duty to warn others of the danger of their activities at the facility. This duty was based on common
 19 laws, but also statutes – both civil and& penal. They also had a statutory obligation to comply with permitting
 20 requirements and& to notify the government gov. of their activities, which they failed to do at every
 21 opportunity. Finally, they also had a duty under federal Right to Know to notify the community of the
 22 chemicals they released – but they did not do that either. Instead, Apple Def. ran this plant as an old-school
 23 Silicon Valley “*Skunkworks*” project.

24 249:202. In late 2020 and& early 2021, Gjovik Pl. was actively researching the area around the Santa
 25 Clara Square Apartments. SCSA. Her March 2021 article in SF Bay View summarized what she found and&
 26 complained that she still had no answers. As much as she did not want to raise additional
 27 safety/environmental env. concerns with her cantankerous employer, Gjovik Pl. did look at records for 3250
 28 Scott Blvd. ARIA. She searched the site on state and& federal EPA websites and& could not find it any active
 permits or recent filings on California's Cal.'s Geotracker or Envirostor databases, or on the U.S. EPA's TRI
and& RCRA pages.

1 250:203. GjovikPl. did see that 3250 Scott was registered as a HazardousHaz. Waste Generator,
 2 however that is not uncommon in Silicon Valley. Due to Silicon Valley's history, most areas had been
 3 industrial or near industrial activities at some point, and& most technology offices perform research and&
 4 development, which creates hazardoushaz. waste. None of those scenarios would explain Gjovik'sPl.'s 3 AM
 5 heart failure in her bed in a three-story apartment. The governmentgov. explained that whatever caused
 6 Gjovik'sPl.'s injury was something extreme and& unusual. The governmentgov. agencies said they also had
 7 searched environmentalenv. databases and& also could not find anything that stood out to them-~~as~~.
 8 251:204. AppleDef. also used illegal NDAs to unlawfully silence its employees about health/safety and
 9 environmental& env. issues (see NLRB's lawsuit against AppleDef. arising from Gjovik'sPl.'s complaints).
 10 AppleDef. took active, unlawful steps to ensure its activities would be concealed and& to make it more
 11 difficult for anyone to figure out what they were doing. Similarly, AppleDef. was bullying agencies to avoid
 12 creating documentation about their activities or speaking about it, for example the very long NDA AppleDef.
 13 attempted to get US-EPA to sign prior to inspection Gjovik'sPl.'s office in Aug. 2021.
 14 252:205. In addition, worsening this issue, AppleDef. also often conducts very strange activities at its
 15 research-and-developmentR&D facilities, which GjovikPl. had seen over her six years with the company,
 16 and& had never seen those operations cause severe injuries – they were just weird. This includes cellular
 17 technology buildings with large empty room with foam walls and& a chair that spins in circles; robots
 18 “running” with their smart watches; reliability testing with machines that drop, touch, impact, spill, and&
 19 anything else you can imagine; and& so on. Gjovik'sPl.'s office at 825 Stewart Dr. included labs for
 20 performance and& thermal testing, Wi-Fi and& connectivity testing, stability labs, and& other industrial
 21 activities but which GjovikPl. had never seen cause any injuries like what she experienced next to ARIA.
 22 253:206. GjovikPl. also repeatedly spoke with AppleDef. about ARIA starting in Sept. 2020 (EH&S),
 23 Nov. 2020 (Legal), etc. and Apple& Def. never said anything about the facility being used for anything
 24 dangerous or abnormal. GjovikPl. assumed if there was something she should know about the facility, that
 25 AppleDef. would have told her – and& because they did not tell her this, she could focus her research on
 26 other buildings. The Santa Clara city Fire Dept. did not force AppleDef. to request proper permits, or even
 27 properly cite AppleDef. for hazardoushaz. waste violations – which is a long-standing deficiency with the
 28 agency. The CaliforniaCal. EPA has multiple corrective actions for the Fire Dept. including actually
 inspecting, documenting issues, following up to ensure corrective actions, and& properly characterizing

1 facilities.⁵⁷

2 254.207. Finally, AppleDef. also appears to have been staging a possible statute of limitations defense
 3 when it filed its first and& only TRI and& EIS reports to the US-EPA, which were only for 2020, the year
 4 GjovikPl. was injured. AppleDef. filed the TRI document on June 30 2021 and& the EIS document on Aug.
 5 26 2021, both prior to Apple'sDef.'s termination of Gjovik'sPl.'s employment.

6 ~~Count Five: Private Nuisance~~

7 ~~(Creation & Maintenance of a Private Nuisance at 3250 Scott Blvd)~~

8 255.—Apple: Def. created and& maintained a condition in violation of Cal.Civ.C. § 3479. This
 9 nuisance was demonstrably injurious to health, which was indecent and& offensive to the senses and&
 10 obstructed ~~the~~ free use of property. By acting and& failing to act, AppleDef. created a condition or&
 11 permitted a condition to exist that was harmful to health, ~~offensive to the senses, an obstruction to the free~~
 12 ~~use of property, and&~~ a fire, explosion, and& poisoning hazard. Apple'sDef.'s conduct in acting or failing to
 13 act was intentional, unreasonable, negligent, and& reckless.

14 256.208. AppleDef. is continuously casting pollution upon the property of the owner and& tenants of
 15 adjacent properties, as it knew it would do when it constructed its exhaust and& HVAC ~~systems and~~
 16 ~~hazardous& haz.~~ waste ~~handling~~ systems. It knew then, as it knows now, that so long as it would continue its
 17 operation, the pollution would continue to fall, not by accident or mishap, but in conformity with the
 18 knowledge it had before the construction of the systems. AppleDef. should be presumed to have intended
 19 its act's natural, known, and& reasonable consequences.

20 257.209. Apple'sDef.'s interference would and& did substantially annoy or disturb persons of normal
 21 health and& sensibilities in the same community. Apple'sDef.'s operations at the factory and& Superfund
 22 site are both continuing nuisances, and& every continuation of the nuisance or trespass gives rise to separate
 23 damages claims. AppleDef. has the agency and& ability to stop the nuisance (it is not permanent), so until it
 24 does, the nuisance AppleDef. created is continuous. Apple'sDef.'s conduct was a substantial factor in
 25 causing Gjovik'sPl.'s harm. GjovikPl. did not consent to a defendant's conduct, and& the seriousness of the
 26 harm outweighs the social utility of Apple'sDef.'s conduct. AppleDef. damaged Gjovik'sPl.'s property and&

27

28

⁵⁷ CalEPA Certified Unified Program Agency, Evaluation Progress Report, *CUPA: Santa Clara city Fire Department – Hazardous Materials Division*, July 2020 – Dec. 2020.

1 injured Gjovik's Pl.'s person. Due to Apple's Def.'s actions, Gjovik's Pl.'s property was destroyed, the
 2 leasehold degraded, she became very ill, and& she suffered severe emotional distress.

3 258:210. In or about 2015, Apple Def. constructed, or caused to be constructed, exhaust vents and&
 4 open tanks at ARIA in Santa Clara, near the common border line of the ~~defendant's and Gjovik's Def.'s &~~
 5 Pl.'s property. The exhaust vents were installed and& maintained negligently, recklessly, and& unskillfully.
 6 Apple Def. exhausted through the vents and& emptied various materials or substances into the open tanks
 7 that caused a foul, obnoxious, and& disagreeable odor and& polluted the atmosphere / ambient air of
 8 Gjovik's leasehold Pl.'s property.

9 259:211. Apple's Def.'s facility emits large quantities of vapors, dust, chemicals, and& other
 10 contaminants into the air, which are carried by the natural winds and& air currents onto Gjovik's Pl.'s
 11 property and& collect Gjovik's Pl.'s chattel property and& are generally injurious to Gjovik's Pl.'s health, are
 12 offensive to the senses, and& interfered with Gjovik's Pl.'s comfortable enjoyment of life and& property.
 13 Apple Def. created the nuisance due to unnecessary, unreasonable, and& injurious methods of operation of
 14 their business. The emissions were a business decision to be able to report reduced waste sent to landfills.

15 Count Six: IIED - Fear of Cancer

16 260:212. Apple Def. deliberately vented toxic, carcinogenic, and& lethal substances into the ambient
 17 air around the ~~Santa Clara Square Apartments~~ SCSA where Gjovik Pl. lived in 2020. Apple's Def. engaged in
 18 this conduct with reckless disregard for the injuries certain to be caused by that plan of conduct, and&
 19 knowing people exactly like Gjovik Pl. would be exposed to its dangerous, toxic chemical, fumes and& vapors.

20 261:213. Semiconductor ~~fabrication, fab.,~~ like what Apple Def. is doing at ARIA, is an ultrahazardous
 21 activity and& absolute nuisance when conducted next to homes due to the extremely toxic gases, reactive
 22 and& pyrophoric gases, and& the sheer quantity of dangers, toxic chemicals that are on site and& in use for
 23 ~~fabrication. Apple's fab. Def.'s~~ conduct was also a nuisance to Gjovik, and Apple's Pl., & Def.'s exhaust
 24 trespassed into Gjovik's Pl.'s home, and& assaulted Gjovik's Pl.'s body. Where there is not strict liability,
 25 Apple Def. had a concrete, critical duty to warn those around the facility – but instead, Apple Def. failed to
 26 file required permits, failed to properly characterize the facility, put no signs in front to designate the type of
 27 activity, filed only one TRI report, repeatedly tried to avoid filing spill/leak reports to ~~CalOES, and Cal. OES,~~
 28 & also deliberately made false statements to conceal their actions.

262.—Apple's Def.'s activities at ARIA violated rules, regulations, and& statutes at local, state,

~~and~~ federal levels. AppleDef. has already received notice of dozens of violations, now also including for illegal chemical emissions.

263.—Apple'sDef.'s unlawful ~~and~~ outrageous conduct caused GjovikPl. to suffer severe emotional distress when AppleDef. exposed GjovikPl. to carcinogenic chemicals. Apple'sDef.'s conduct with the carcinogen chemicals was outrageous. Apple'sDef.'s intentional, reckless, ~~and~~ negligent conduct exposed GjovikPl. to carcinogens, including TCE, ~~Toluene, Arsine, and Vinyl Chloride.~~

264.214. ~~Apple~~toluene, arsine, & vinyl chloride. Def. intended to cause tenants at the ~~Santa Clara Square Apartments~~SCSA distress ~~and~~ acted with reckless disregard for the probability that people like GjovikPl. would suffer emotional distress knowing she was present where there were carcinogenic chemicals. GjovikPl. suffered severe emotional distress from a reasonable fear of developing cancer, ~~and~~ Apple's& Def.'s conduct was a substantial factor in Gjovik'sPl.'s severe emotional distress.

215. As a proximate result of the acts of the defendant, GjovikPl. suffered severe emotional distress, including the fear of developing cancer ~~and~~ other disease, ~~and~~ an increased risk of developing cancer ~~and~~ other disease. Her fear extended to her dog as well, a tiny eight-pound Chihuahua-mix who was also exposed to the semiconductor fab. exhaust with Pl.. Pl. discusses this at every veterinarian appointment & always orders a CBC & metabolic workup for him if she can afford it.

265.216. It is documented that AppleDef. used and exhausted carcinogenic chemicals into the ambient air outside the Santa Clara Square ApartmentsSCSA. It is also documented by an industrial hygienist running a two-hour TO-17 that those same carcinogenic chemicals that AppleDef. exhausted were also found in the indoor air of Gjovik's apartment. GjovikPl.'s home. Pl. was also able to capture evidence of some of the chemicals in her blood and urine. GjovikPl. was extensively exposed.

266.—~~This fear extended to her dog as well, a tiny eight pound Chihuahua mix who was also exposed to the semiconductor fabrication exhaust with Gjovik. Gjovik discusses this at every veterinarian appointment and always orders a full CBC and metabolic workup for him if she can afford it.~~

267.217. GjovikPl. suffered a wide array of physical symptoms attributed to the toxic chemicals at ~~Stewart 1 and~~SD01 & ARIA, including spasms, nausea, hair loss, rashes, hives, burns, heart failure symptoms, asphyxia, dizziness, headache, seizures, arrhythmia, etc. These physical manifestations of the injuries ~~and~~ exposure from dangerous carcinogenic chemicals establishes reasonable fear of future disease. Further, the fear ~~and~~ horror of personally being exposed to a cloud of poison gas or knowing that family members have been exposed are absolute emotional trauma in its purest form.

1 268:218. After Apple'sDef.'s injuries to GjovikPl. due to chemical exposure in 2020, GjovikPl.
 2 experienced many new medical issues (e.g., diagnosed hypertension, hypotension, depression, rashes,
 3 growths, labile blood pressure, etc.), some of which still have not fully healed (e.g., scarred, and& damaged
 4 skin, hair loss, worsened asthma, and& breathing troubles, etc.).

5 269:219. This all occurred during Gjovik'sPl.'s 2L and& 3L years of law school, causing her to suffer
 6 academically. GjovikPl. now also faces a significantly increased risk of contracting cancer and& other disease
 7 in her lifetime. Further, after Apple'sDef.'s psychological and& emotional injuries to GjovikPl. in 2020-
 8 2024, GjovikPl. now suffers from dramatically worsened anxiety, PTSD, and& concentration issues – as well
 9 as new depression, insomnia, panic attacks, weight gain, suicidal ideation, post-traumatic stress, disordered
 10 eating, loneliness, grief, crying fits, and& moral injury.

11 270.—At the time of Apple'sDef.'s termination of Gjovik'sPl.'s employment on Sept. 9 2021,
 12 GjovikPl. still did not know AppleDef. was responsible for what happened to her in 2020. AppleDef.
 13 continued harassing and& tormenting GjovikPl. despite and& because of it prior to knowingly subjecting
 14 GjovikPl. to exposure to a highly toxic substance while purposefully concealing from GjovikPl. the serious
 15 injuries that might result from such exposure, and& in reckless disregard of these risks.

16 271:220. Gjovik'sPl.'s physical exposure to Apple'sDef.'s illegal semiconductor fabricationfab.
 17 exhaust was unrelated to her employment and& thus Worker's Compensation does not apply. Further,
 18 AppleDef. was the operator in control of the facilities at ARIA during the pertinent times, and& actions
 19 taken related to Apple's hazardousDef.'s haz. waste can be directly attributed to the corporation.

20 272:221. AppleDef. had knowledge and& a reckless disregard for the fact that people just like
 21 PlaintiffPl. would be injured by its illegal dumping. DefendantDef. knew beyond speculation that people
 22 would be injured. This fab is across the street from these apartments – where every employee would see
 23 them, every day they're at work. AppleDef. spent millions for this fab, entered a long-term lease, and&
 24 RCRA papers are signed by the AppleDef. CFO. Every time AppleDef. vented its fab exhaust into the
 25 ambient air, AppleDef. knew people just like the PlaintiffPl. would be injured and& would be deeply
 26 traumatized if and& when they discovered what they were exposed to.

27 273:222. Apple'sDef.'s employees and& contractors have already revealed not only evidence of
 28 knowledge, but also gross recklessness – with one of their ACT EnvironmentalEnv. contractors who
waswere leading the hazardous haz. waste disposal efforts in 2020 at the site, when GjovikPl. was doused in
 chemicals, bragging in his LinkedIn profile that during that time he found “*innovative*” ways to save

1 AppleDef. money on ~~hazardous~~haz. waste disposal. Meanwhile, GjovikPl. still has bald spots after AppleDef.
2 burned all of her hair off.

3 274.223. Corporations who knowingly ~~and~~& intentionally dump ~~hazardous~~haz. waste or otherwise
4 pollute the environment, violating ~~environmental and env. &~~ safety laws, do so because the practice is less
5 costly ~~and~~& more profitable than complying with the regulation. Apple'sDef.'s intentional evasion of paying
6 required fees ~~and~~& costs associated with proper ~~hazardous~~haz. waste ~~management and mgmt. &~~ disposal
7 allow AppleDef. to operate its research ~~and~~& development at a much lower cost than its competitors who
8 do follow the law. In addition, AppleDef. also recently launched a "zero waste" program where AppleDef.
9 purports to be diverting ~~hazardous~~haz. waste from landfills. Based on ~~Apple's environmental~~Def.'s env.
10 reports, ARIA is responsible for around 30% of Apple'sDef.'s global corporate ~~hazardous~~haz. waste ~~and~~& at
11 ARIA, Apple'sDef.'s diversions of waste from landfills includes mid-night dumping into apartments ~~and~~&
12 creating toxic vapor clouds in public parks.

13 275.224. Even worse, AppleDef. also instituted an ~~environment social governance~~("ESG") modifier
14 for executive pay (bonuses worth multi-millions of dollars) that can increase or decrease executive
15 compensation 10% based on ~~environmental and env. &~~ other practices. Apple'sDef.'s intentional
16 ~~environmental env.~~ violations ~~was were~~ not just to reduce costs required for properly disposing toxic waste,
17 but Apple'sDef.'s midnight-dumping also to increased bonuses for their executives. Further, Def.'s
18 continued harassment of Pl. despite everything else that's happened, including her exposures, is sick &
19 depraved. The amount of stress puts her even more at risk for cancer & disease, after she has already suffered
20 great bodily injury from Def.'s illegal conduct & emissions. Cal. H.S.C. § 42400.1 Cal. P. C. § 12022.7.

21 276.—Further, Apple's continued harassment of Plaintiff despite everything else that's happened,
22 including her exposures, is sick and depraved. The amount of stress puts her even more at risk for cancer
23 and disease, after she has already suffered great bodily injury from Apple's illegal conduct and emissions.
24 Cal. HSC § 42400.1 Cal. Penal Code § 12022.7.

LEGAL CLAIMS: OUTRAGEOUS CONDUCT

Count Seven: IIED - Outrageous Conduct

27 277.225. Apple'sDef.'s malicious, fraudulent, oppressive, ~~and~~& extreme/outrageous misconduct was
28 directed primarily at Gjovik, ~~and~~Pl., & it was calculated to cause GjovikPl. severe emotional distress, ~~and~~&
it was done with the knowledge of Gjovik'sPl.'s vulnerabilities ~~and~~& knowledge of Apple'sDef.'s power to

1 harm Gjovik'sPl.'s interests, ~~and~~ & done with a substantial certainty ~~that GjovikPl.~~ would suffer severe
 2 emotional injury. Apple'sDef.'s actions were outrageous (violations of civil laws) ~~and~~ & outrageous per se
 3 (violation of penal laws).

4 278:226. Numerous cases have held, ~~and~~ & the RestatementRest. emphasizes, that there are only a few
 5 categories of conduct where an employer may be found to have engaged in IIED, ~~and~~ & most common are
 6 defamation – especially accusations of dishonestly and/or criminal conduct; denigration ~~and~~ & humiliation;
 7 deranged harassment; ~~and~~ & IIED used as a tool in the employer's cover-up of ~~wrong doing~~wrongdoing.
 8 Calling the employee a liar, especially in retaliation for the employee making labor or whistleblower
 9 complaints, is one of the few approved buckets for potential IIED claims.

10 279:227. Apple'sDef.'s outrageous conduct with civil liability includes defamation, trade libel, fraud,
 11 invasion of privacy, tortious interference with business relationships, true threats, interference with the
 12 exercise of civil rights, ~~discrimination.~~ based on sex, ~~discrimination.~~ based on disability, ~~and~~ & retaliation for
 13 conduct protected by statutes ~~and~~ & the Constitution (*i.e.*, ~~discrimination.~~ based on sex). In addition to the
 14 tortious harassment, AppleDef. engaged in many criminal acts which were “outrageous per se,” including
 15 witness intimidation, witness retaliation, burglary, extortion, threats, ~~and~~ & surveillance.

16 280:228. From at least July 2021 through current day – AppleDef. employees stalked, harassed, ~~and~~ &
 17 tormented GjovikPl. with actions including repetitive, unwanted communications to GjovikPl.; making false
 18 accusations against GjovikPl.; gathering ~~information~~info. about GjovikPl.; monitoring Gjovik'sPl.'s
 19 activities; harassing Gjovik'sPl.'s friends; ~~and~~ using threats ~~and~~ & scare tactics to frighten GjovikPl. Starting
 20 in Aug. 2021 ~~and~~ & continuing ~~to this day~~today, hundreds of ‘throwaway accounts’ ~~and~~ & other fake social
 21 media accounts posted about ~~and~~ & to GjovikPl., making statements that were threatening, intimidating,
 22 defamatory, insulting, ~~and~~ & harassing. There was an extensive digital harassment campaign against Gjovik.
 23 ApplePl.. Def. employees harassed GjovikPl. under their own names, ~~and~~ & other posts were made by
 24 AppleDef. employees using aliases, but their real identities were later revealed. The posts mostly focused
 25 around claiming Gjovik'sPl.'s claims against AppleDef. were meritless, that GjovikPl. was committing
 26 perjury by reporting issues to the ~~government,~~ andgov., & that ~~enforcement~~enf. action needed to be taken
 27 against GjovikPl..

28 281:229. Starting in at least Sept. 2021, ~~and~~ & assumed to continue through the current day, AppleDef.
 employees undertook a ‘whisper campaign’ to smear Gjovik'sPl.'s character ~~and~~ & create fear, uncertainty,

1 ~~and~~ doubt about Gjovik's Pl.'s allegations against Apple Def.. At least five named employees took an active
2 role in posting defamatory ~~and~~ harassing things about Gjovik, Pl., contacting Gjovik's Pl.'s friends ~~and~~
3 associates to speak negatively about Gjovik and Pl. & urge them to not associate with her, ~~and~~ to create
4 negative rumors about Gjovik Pl. in order to ostracize ~~and~~ alienate her.

5 **282.—Vicarious Liability:** Vicarious liability can be established against employees employed with
6 Apple Def. at the time of the incident, under at least three theories: respondeat superior [Cal. Civ Code 2299,
7 2316], ratification [Cal. Civ Code 2307, 2310], ~~and~~ alter ego. Gjovik Pl. also argues outgrowth, customary
8 incidents, benefits to employer, ~~and~~ risk inherent in the company's culture – all of which were reasonably
9 foreseeable to Apple.

10 **283-230.** Def. The harassment was undertaken by many Apple Def. employees, under their names
11 ~~and~~ identifying as Apple Def. employees. They also frequently branded the harassment as an Apple Def.
12 product of some sort, for instance citing Apple Def. products or themes in their fake screennames (for
13 example, "*SquareinaRoundHole*" referencing the famous Apple Def. commercial), designing threats
14 modeled after Apple Def. heritage (i.e., threatening employees that if they speak publicly about work
15 conditions they will get "*Gjovik'd Pl.'d*" – an iteration on the phrase "Steve'd" referencing Steve Jobs' habit
16 of abruptly firing people).

17 **284-231.** Several employees who harassed her online did so prior to ~~and~~ after she was terminated,
18 ~~and~~ as an outgrowth of either prior retaliatory harassment (see Messick, C.M., who also repeatedly
19 threatened her with termination in retaliation for her speaking to the press about workplace safety at
20 Apple Def. prior to Gjovik Pl. being put on leave. He then took to social media to harass her after). Another
21 one of these employees, Appleseed, J.A., was an Apple Def. employee working in Apple's Def.'s Global
22 Security team through the end of Nov. 2021. This person repeatedly posted ~~and~~ shared that she had
23 reported Gjovik and Gjovik's Pl. & Pl.'s actions to "Apple, Def.," made accusations against Gjovik and Pl. &
24 in defense of Apple Def. positioning herself as speaking for Apple, and Def., & also repeatedly held herself
25 out as having insider ~~information~~ info. into Apple's Def.'s retaliatory actions against Gjovik, Pl., including the
26 termination. The function of the Global Security team is to silence workers from speaking publicly about
27 Apple, and Def., & this person performed those duties in her harassment of Gjovik Pl.

28 **285-232.** In ~~January-February~~ Jan.-Feb. 2022, Appleseed J.A. admitted to being in active contact with
Apple and Def. & also Brad Reigel and Rob Marini, B.R. & R.M., or a conduit to them. Vyas and Mondello S.V.
& R.M. also admitted to being friends with Faye Garfinkle, (F.G.), a best friend of Rob Marini R.M. ("*Little*

1 *Gestapo*”). On ~~February~~Feb. 22 2022, AppleseedJ.A. posted on Twitter that AppleDef. employees “in
 2 [Apple]Def. Global Security inform [her] when they see anything in reference to [her], or what reasonable seems like
 3 it is referencing [her].” On ~~January~~. 31 2022, AppleseedJ.A. sued GjovikPl. in a WashingtonWA state court
 4 requesting an anti-harassment restraining order.⁵⁸ In ~~February~~Feb. 2023, AppleseedJ.A. admitted that
 5 AppleDef. has provided her insider informationinfo. about Okpo’s investigation into her complaints and&
 6 what his findings were. On ~~September~~. 9 2021, AppleseedJ.A. posted on Twitter that Gjovik’sPl.’s NLRB
 7 charge would not be successful and& that she had some type of insider informationinfo. against Gjovik.
 8 Appleseed and ApplePl.. J.A. & Def. have confirmed that AppleseedJ.A. filed a Business Conduct complaint
 9 against GjovikPl. on ~~September~~. 15 2021 which included private messages between Gjovik and Appleseed
 10 andPl. & J.A. & which AppleseedJ.A. later admitted “served no legal purpose.” It is clear that AppleDef.
 11 involved AppleseedJ.A. in their fabricationfab. of a paper trail on the same day they sent Eberhart to harass
 12 GjovikPl. about the Face Gobbler.

13 286.233. There were a number of ‘fake’ accounts created solely to harass and& interact with GjovikPl.
 14 that knew way too much about Gjovik,Pl., too much about Apple’sDef.’s internal operations, and& too much
 15 about the labor and environmental& env. disputes. GjovikPl. quickly responded to them either as “AppleDef.
 16 *HR*” or “Apple’sDef.’s lawyers”. One of the accounts, Beezie, started harassing GjovikPl. in ~~August~~. 2021,
 17 taking an extremely personal interest in Gjovik’sPl.’s complaints about Apple, and Def., & sent GjovikPl.
 18 URLs to the EEOC website. GjovikPl. responded, “*you sure know a lot about employment law, Beezie.*” The
 19 day GjovikPl. was fired, Beezie posted “*#ashleygjovik the world is both pandering to you and& also reaming you.*
 20 *This sounds about right. #narcissist #youdeserveit #coward,*” and& then paid to ‘promote’ her ~~Twitter~~- post.
 21 ~~(SAC ¶ 1052).~~ (Note, a payment like that should be discoverable from Twitter).

22 287.234. Around this time, a ~~fake~~ Twitter account ~~called,~~ “*Mel Nayer,*” which was clearly Apple
 23 andDef. & even referenced internal AppleDef. tools, began replying to Gjovik’sPl.’s posts making threats
 24 and& wild allegations. Nayer demanded GjovikPl. delete “*the work screenshots*” because “*lives are at risk*”
 25 and& there were “*death threats.*” Nayer added, “*people at Apple have been fired for sharing less.*” The account
 26 claimed to be an Apple employee. The burner accounts (not representative of real people and& created just
 27 _____
 28

⁵⁸ ~~C.S. v Gjovik, 22-2-03849-7 SEA, (Appeal of Court of Limited Jurisdiction — Reversed & Vacated), King County Superior Court, State of Washington (2022); C.S. v Gjovik, 22CIV01704KCX, (Vacated) King County District Court, Court of Limited Jurisdiction, State of Washington (2022).~~

1 to harass GjovikPl.) also showed Apple connections through their activity (for example several accounts
2 were used solely to harass Gjovik and Pl. & other Apple legal adversaries including Epic Games and
3 Corellium).

4 288:235. Many of the public forum posts about GjovikPl. were so hateful and vile, even the pro-
5 Apple moderators were complaining the posts about GjovikPl. were “full of toxicity” and noted there were
6 also a “number of pretty unpleasant posts [about GjovikPl. that] [the public] cannot see as [Moderators] have
7 removed them.” [Sept. 11 2021]. Others also commented the digital harassment of GjovikPl. was “out of
8 hand,” the entire thread was “people tearing this woman down,” and “Jesus, I know you guys like your iPhone,
9 but God damn.” The harassing comments continued well past after GjovikPl. was fired and continued as
10 long as GjovikPl. continued to pursue her charges against AppleDef.

11 289:236. AppleDef. knew GjovikPl. had been facing harassment from Appleseed and J.A. & other
12 AppleDef. employees, and when GjovikPl. filed her January, 2022 NLRB claim, she communicated to
13 AppleDef. to send a cease & desist to a number of employees illegally harassing her, including Appleseed,
14 Ricky, and Shantini—and A.S., R.M., & S.V. – & also asked AppleDef. to get them to stop reporting her to
15 law enforcement. This was around January, 11 2022, which was followed by even more reports to law
16 enforcement – including by someone in Germany. Gjovik’s Pl.’s post asking AppleDef. to stop the
17 harassment was also a subject of the lawsuit, claiming it was illegal for her to post it.

18 290:237. One of these employees, Ricky, (R.M.), was an AppleDef. manager during the operative
19 times, posted under their own name, and worked in a “security” function at AppleDef. Some of their
20 posts included defending Apple’s Def.’s practices related to Gobbler. An AppleDef. supervisor making public
21 statements like this represents AppleDef. by the nature of his role.

22 291:238. While Appleseed J.A. apparently left AppleDef. around December Dec. 2021, she informed
23 GjovikPl. in January-February Jan.-Feb. 2022 that she remained in contact with Apple, Def., they spoke about
24 Gjovik, and Pl., & they were both trying to censor her social media posts. Appleseed J.A. repeatedly urged
25 GjovikPl. to drop her allegations against Apple-Appleseed Def.. J.A. emailed PlaintiffPl. on February Feb. 5
26 2022, harassing GjovikPl. claiming that GjovikPl. complaining about Apple’s Def.’s threats of violence
27 against her, and complaining about AppleDef. trying to make her suicidal, was “harmful to Apple” and
28 Appleseed & J.A. said she “reported” GjovikPl. “to Apple” for making those statements, before proceeding
to then threaten GjovikPl. with litigation and unspecified reprisals if GjovikPl. did not alter her federal

1 testimony.

2 292:239. GjovikPl. complained about the harassment multiple times to Apple and AppleDef. & Def.
3 never did anything (that GjovikPl. is aware of) to try to stop or limit that harassment, and instead seemed
4 to incite it further. AppleDef. was aware of the harassment and aware of the distress caused to GjovikPl.
5 by it, through their surveillance of her online presence, of their own direct participation, the press 'asking
6 for comment' on matters including the harassment, Apple'sDef.'s admitted "investigation" into
7 Gjovik'sPl.'s social media in August-SeptemberAug.-Sept. 2021, employees filing complaints about things
8 GjovikPl. complained about and/or about Gjovik, andPl., & a number of other supporting theories.

9 293:240. One employee, Ian, was Gjovik'sPl.'s coworker who sat across the aisle from her at Stewart
10 1SD01 but who was posting on several platforms under an alias. GjovikPl. did not connect the account to the
11 person until 2023. The account made a number of posts accusing GjovikPl. of lying and being insane,
12 claiming Gjovik'sPl.'s complaints were meritless, and holding himself out as having insider
13 informationinfo. about what happened with Gjovik'sPl.'s complaints. This employee sat in the same office
14 as Powers and was likely directly involved, or overheard, numerous material conversations about Gjovik,
15 andPl., & felt it appropriate to publicly harass GjovikPl. in response.


16 294:241. There are other types of agency and liability. For example, one of Apple'sDef.'s four+
17 external counsel law firms hired to fight PlaintiffPl., MWE, was caught multiple times harassing GjovikPl.
18 online and in real life. The firm filed notice of appearance on Gjovik'sPl.'s NLRB charges in August. of
19 2021. In 2022, the firm somehow knew AppleseedJ.A. sued Gjovik andPl. & quickly requested copies of the
20 order against Gjovik andPl. & the entire case file for the matter. How did MWE know about it if they were
21 not involved? How did MWE know the lawsuit was based on Gjovik'sPl.'s NLRB charges against
22 Apple?Def.? What did they plan to do with the records? The firm was also caught in 2023 using a fake Twitter
23 account to harass GjovikPl.. The account called GjovikPl. a liar, repeatedly degraded her over the weight
24 she gained during the trauma, and otherwise ridiculed her. GjovikPl. identified the account was associated
25 with the unique name of one of the attorneys and also spent most of its time harassing Gjovik andPl. &
26 unions which the firm, and specific lawyer, was hired to oppose in labor organizing. [See "Praveen"].

27 295:242. The lawsuit filed against GjovikPl. on January 31 2022 was done so, admittedly in the petition
28 and the TRO hearing testimony, because GjovikPl. filed an NLRB charge against AppleDef., because
GjovikPl. claims she was retaliated against by Apple, andDef., & because GjovikPl. had complained about

1 harassment from AppleDef. Global Security, including Appleseed. AppleseedA.S., J.A. publicly posted she
 2 was in some sort of dire trouble with AppleDef. in January. 2022, and& then after filing the lawsuit said the
 3 issues were resolved. The night after she filed the lawsuit, she posted a photo of her holding an AppleDef.
 4 Global Security “challenge coin.” AppleseedJ.A. also repeatedly claimed some unnamed third-party told her
 5 to file the lawsuit. A few days later she also posted that she had personally never sued anyone – despite just
 6 suing GjovikPl. – which begs the question of who she was suing GjovikPl. for if it wasn’t herself.

7 296:243. **Excerpts of Harassment:** On September. 1 2021, an AppleDef. employee, Shantini (“S.V.”)
 8 wrote a long Twitter thread accusing GjovikPl. of being a *liar, racist, and& a predator.* VyasS.V. claimed
 9 GjovikPl. made “*bogus, unsubstantiated filings with the DOJ and& other regulatory bodies.*” Shantini’sS.V.’s
 10 posts were quickly reshared by *Beezie Wacks* and& Mel Nayer, and& other fake accounts, as well as named
 11 AppleDef. employees and& managers. On September. 3 2021, at 4:46am, 9to5Mac.com published an article
 12 about GjovikPl. alleging there was doubt to the merits of her NLRB charge against Apple,Def., suggesting
 13 she was lying. (The blog retracted nearly the majority of the post after GjovikPl. threatened to sue them for
 14 defamation and& false light). The article included quotes from Shantini and Ricky. RickyS.V. & R.M. R.M.
 15 also shared Shantini’sS.V.’s thread about Gjovik and RickyPl. & R.M. stated GjovikPl. was on a “*warpath*”
 16 and& had a “*vendetta*” against Apple-Def.

17 297:244. Another one, Mel Nayer, tried to coerce GjovikPl. to delete the screenshots of internal
 18 documents she had posted, claiming the posts were leading to ‘death threats’ and& proceeded to reference
 19 a number of internal AppleDef. tools and& systems. Another one, *I’mPinkThereforeI’mSpam,* posted, “*You’ll*
 20 *never work as an attorney,*” (post then liked by other anonymous account “*BeezieWacks*”), and& added “*The*
 21 *nail that sticks out, gets hammered.*”

22 298:245. On September. 8-10 2021, yet another one, “*crissnovak,*” started posting about GjovikPl. on
 23 Reddit, sharing a link to Shantini’sS.V.’s Twitter posts harassing GjovikPl. about Gjovik’sPl.’s NLRB and&
 24 US DOJ complaints, “*Shantini is my hero, best take on “A” with over 200+ s. [likes]. ALOT seem to agree:*
 25 *entitled, obnoxious, toxic, vindictive employee. To me, zero credibility. I would not even want to be on the same*
 26 *sidewalk with that.*” The same account posted on September. 9 2021, “*Good riddance. They should have fired*
 27 *her weeks ago.,*” “*Santa Clara University Law must be cringing.*”

28 299:246. On September. 10 2021, the account posted in a thread about GjovikPl.: “*The only thing toxic*
in all of this is HER. I wouldn’t hire this person. I wouldn’t rent to this person. I sure as hell wouldn’t date this

1 person. She needs serious help.” The same day the account posted about GjovikPl.: “I think when the NLRB,
 2 EEOC slams the door on Karen’s face because there’s no case, we’ll see more Twitter tirades about how corrupt these
 3 agencies are. Dear Apple, please don’t pay her a fcking dime; awarding toxic behavior will only perpetuate it. She
 4 needs to learn a hard lesson in life ~~and~~ gain some maturity.”

5 247. On September, 11 2021 the *crissnovak* account posted:

6 “I so hope Apple, Northrop GrummanNGC, Irvine Company sue her ~~and~~ teach her a lesson. I
 7 think she thinks she is going to get rich, but she’s going straight to the poor house. \$300k + RSUs
 8 + healthcare + tuition reimbursement all up in smoke for this nonsense. Go Ashley go!” *Crissnovak*
~~then began threatening other Apple employees they may “get Gjoviked!” if they speak out.~~

9 *Crissnovak* then began threatening other Apple employees they may “get Pl.ed!” if they speak out. On

10 September, 13 2021, the *crissnovak* account posted on a thread about GjovikPl.:

11 “.... Apple (w/it’s army of lawyers) can sue her ~~and~~ it would be an easy win because it’s a
 12 simple breach of contract case. Her counter suit for retaliation/harassment will be very
 13 challenging especially if her coworkers don’t have her back. They may be enjoying all that
 14 Apple \$\$\$.. Lawsuit would be chump change for Apple but will certainly bankrupt her. I’ve
 15 never seen anyone so intent on ruining their own reputation/livelihood...” ~~*crissnovak* sure
 knows a lot about employment law too. The account added that Gjovik was on the “chubby
 side” and had “baby teeth lol.”~~

16 *crissnovak* sure knows a lot about employment law too. The account added that Pl. was on the “chubby side”
 17 & had “baby teeth lol.”

18 300.248. As a representation of the retaliatory animus of her managers (see, Ian, aka Neoform, her
 19 coworker sitting across the aisle from her at 825-Stewart-DriveSD01, seeing her manager every day ~~and~~
 20 participating in conversations about GjovikPl. Ian took to Twitter ~~and~~ other social media to harass ~~and~~
 21 threaten GjovikPl. starting in August, 2021 ~~and~~ continuing through fall of 2021). Ian’s comments included
 22 statements like: “Based on her writings ~~and~~ twitter feed, I would not be surprised in the least to learn she has
 23 some kind of psychosis,” “You think there are law firms that will want to hire her? She’s toxic,” “Now Apple has
 24 fired her for supposedly ‘leaking’ insider information. A brief glance at her twitter feed can resolve the ‘supposedly’
 25 part,” “She’s entirely to blame for her firing,” ~~and~~ “Vexatious litigant incoming!”

26 301.249. GjovikPl. also received messages via the webform on her website, which allowed anonymous
 27 people to message her, though it recorded their IP addresses. Messages were often vulgar ~~and~~ offensive,
 28 ~~and~~ also sent from IP addresses flagged for spam ~~and~~ malicious conduct. Examples include: “Cunt”

(9/12/21); “Nobody wants to see your nasty nudes. Next time use your work phone for work only you stupid moron”

1 (9/20/21); “Remember what Jesus Christ taught about retaliation. You are retaliating back at Apple. Matthew
 2 5:38-42...” (12/8/21); “If only Steve Jobs were still around. He’d drag you ... out to the street by your hair ~~and~~
 3 tell you ... to go work a corner. It’s the only talent you’ll ever have.” (4/5/22). Whether or not AppleDef. was
 4 behind the fake accounts, AppleDef. fostered an environment where people were rewarded for harassing
 5 Gjovik, and Pl., & ostracized ~~and~~ ridiculed if they supported her. AppleDef. encouraged the abuse.
 6 302.250. An example of one of the more egregious digital threats includes, but is not at all limited to
 7 this post from Sept. 22 2021, which as published on a discussion thread linked to an article about
 8 Gjovik’s Pl.’s NLRB charge against Apple’s Def.’s CEO Tim Cook for sending a threatening email to staff
 9 claiming any internal information info. is confidential:

10 “I said it in the last thread about bad, criminal employees, ~~and~~ I’ll say it again. It’s time for
 11 Apple to take out the trash. Do whatever it takes to identify ~~and~~ catch the leakers ~~and~~ then
 12 ruin their lives. Fire them, prosecute ~~and~~ go after them. Do whatever it takes. Hunt them
 13 down like wild animals. Leakers ~~and~~ other activist employees who believe that they can do
 14 as they please have no business being at Apple. I want to see them gone ~~and~~ I want to see
 15 them destroyed. Trashy employees do not belong at Apple. And who is surprised that the
 16 leakers go running to the garbage site called the Verge? They already had one campaign that
 17 backfired on them when the lunatic woman leaker [Gjovik Pl.] was fired, now it is time to get
 18 rid of any remaining leakers ~~and~~ criminals. Go get ‘em Tim! Espionage has long been
 19 treated as a crime worthy of death ~~and~~ all Apple would need to do is to make it apply to
 20 corporations ~~and~~ not just nations... People just need to be optimistic ~~and~~ patient.”
 21 (PacManDaddy, Reddit, Sept 22 2021).

22 303.251. As Gjovik Pl. was fired, an account, “EarlyRiser,” replied to ~~one of Gjovik’s Pl.’s~~ posts saying,
 23 “It would be in your best interest to drop ideas of suing, or attempts at dragging them through any spiteful dirt, as
 24 it’ll cost you.” On Oct. 1 2021, another account later identified to be an account Def. created to harass Pl.,
 25 commented on Pl.’s post about getting cut by the broken glass in the box Def. mailed, asking Pl. to post
 26 photos of her bloody wounds. The next day, on Oct. (Sept. 9 2021, “EarlyRiser”)-2 2021, the account tried
 27 to convince Pl. to allow it to remotely access Pl.’s computer & modify the config.

28 304.—Pl. On Oct. 1 2021, another account later identified to be an account Apple created to harass
 29 Gjovik, commented on Gjovik’s post about getting cut by the broken glass in the box Apple mailed—asking
 30 Gjovik to post photos of her bloody wounds. The next day, on Oct. 2 2021, the account tried to convince
 31 Gjovik to allow it to remotely access Gjovik’s computer and modify the configuration.

32 305.—Gjovik also received bizarre, hostile, ~~and~~ obscene messages sent to her via her websites
 33 contact webform. Someone sent Gjovik Pl. an email from an IP associated with Apple’s Def.’s first

1 manufacturing plant in Fremont in which the person (self-named “The Messenger”) warned GjovikPl. to
 2 drop her cases against Apple and Def. & justifies this with quotes from the Christian Bible. (Dec.8 2021,
 3 Weebly webform). The account complained tsed that GjovikPl. is retaliating against Apple.

4 306:252. SocialDef.. On Dec. 21 2023, on social media, one post in thread about Gjovikread:
 5 “*Tomorrow's headline: Apple Whistleblower found dead of heart attack at 22 (never mind the double tap, nothing to*
 6 *see here)*” (Dec. 21 2021, now deleted Reddit user).”

7 307.—On DecemberDec. 29, 2021, AppleseedJ.A. messaged one of Gjovik’sPl.’s friends claiming
 8 GjovikPl. was “*perjuring herself.*” On DecemberDec. 30, 2021, AppleseedJ.A. messaged once of Gjovik’sPl.’s
 9 friends saying AppleseedJ.A. was “*one of Apple’s witnesses against [Gjovik].*”

10 308:253. Pl.]”. On FebruaryFeb. 15 2022, AppleseedJ.A. submitted a statement to the Washington
 11 state courts saying she complained about GjovikPl. to the FBI and& also to the Chief Security Officer of the
 12 National Labor Relations Board, the previous Chief of Physical SecuritySec. at The White House and& a
 13 SecuritySec. Manager at the DepartmentDept. of Defense.⁵⁹

14 309:254. AppleseedJ.A. sent GjovikPl. a lengthy email on FebruaryFeb. 5, 2022 (over 3,000 words)
 15 making false accusations against Gjovik,Pl., unlawful demands of Gjovik,Pl., threats against Gjovik andPl. &
 16 demanded GjovikPl. withdraw allegations and& evidence about AppleseedJ.A. from Gjovik’sPl.’s federal
 17 charges against AppleDef. (charges about obstruction of justice & witness tampering). AppleseedJ.A. in
 18 great hostility told GjovikPl. she believed one of Gjovik’sPl.’s SEC Wwhistleblower filings: “*contained*
 19 *absolutely no material information for shareholders.*” AppleseedJ.A. informed GjovikPl. she reported GjovikPl.
 20 to the FBI, and& also told GjovikPl. that she reported GjovikPl. to AppleDef. for GjovikPl. complaining that
 21 AppleDef. was trying to make her kill herself, and& that AppleDef. could have GjovikPl. assassinated, which
 22 AppleseedJ.A. complained was “*extremely harmful*” to her and Apple & Def..

23 310.—On FebruaryFeb. 5 2022, AppleseedJ.A. posted on Twitter claiming the NLRB accused
 24 GjovikPl. of extortion and& told AppleseedJ.A. to report GjovikPl. to the FBI (which she also testified at the
 25 ex parte hearing on January. 31 2022, and& which the NLRB fervently denied) and Appleseed& J.A. later
 26 blamed on an illegal drug relapse. In Appleseed’sA.S.’s posts she mentions GjovikPl. is a federal witness.

27 _____
 28 ⁵⁹ C.S. v Gjovik, 22-2-03849-7 SEA, (Appeal of Court of Limited Jurisdiction—Reversed & Vacated), King County Superior Court, State of Washington (2022); C.S. v Gjovik, 22CIV01704KCX, (Vacated) King County District Court, Court of Limited Jurisdiction, State of Washington (2022).

1 AppleseedJ.A. then claimed “multiple people” were reporting GjovikPl. to Gjovik’sPl.’s law school at Santa
2 Clara University and claimed “the authorities had to get involved” with Gjovik.

3 311.255. AppleseedPl.. J.A. filed an FBI report against GjovikPl. charging GjovikPl. with “criminal
4 extortion and blackmail,” and apparently reported GjovikPl. to a police department.⁶⁰ ~~(mid Jan 2022,~~
5 ~~Appleseed).~~

6 312.256. ~~In the February~~ On Feb. 15, 2022, testimony AppleseedJ.A. also claimed, without any
7 evidence to support prima facie elements of the charges, that GjovikPl. committed “criminal cyber-
8 harassment, blackmail, and extortion.” The majority of Appleseed’sA.S.’s complaints in the lawsuit were
9 arguments focused on a legal filing GjovikPl. submitted to the governmentgov. including law
10 enforcement,enf., where she had gathered evidence of the harassment against her, alleging AppleDef. was
11 engaging in criminal conduct. AppleseedJ.A. repeatedly demanded GjovikPl. alter, withdraw, and conceal
12 this legal filing – and upon winning the first Court of Limited Jurisdiction hearing against Gjovik,Pl., then
13 proceeded to report the federal legal filing to Gjovik’sPl.’s web server as “child porn.”

14 313.257. The Order prohibited GjovikPl. from speaking to anyone, even privately, about significant
15 aspects of her litigation against Apple, andDef., & it had now become a crime to say/write the name of her
16 office. (Note: GjovikPl. was certain AppleDef. would use the Order to try to incarcerate Gjovik, and
17 GjovikPl., & Pl. did discover that Orrick – counsel here – employ a large number of prior Office of the
18 Attorney GeneralA.G. staff from state of Washington, including a prior AGA.G. If AppleDef. wanted to get
19 GjovikPl. thrown in jail, they had the means to do so.

20 314.258. Another account, “FirstNameBunchofNumbers,” started harassing GjovikPl. in 2022,
21 primarily taunting GjovikPl. about the lawsuit filed against her. The account’s profile photo was the docket
22 for Appleseed’sA.S.’s lawsuit against Gjovik, andPl., & the biography was “Ashley is a bitch.” Among other
23 deranged posts, the account tagged GjovikPl. with a link to the CaliforniaCal. Moral Character exam and
24 inquired if GjovikPl. will still be able to be a lawyer with this lawsuit against her. The account added an image

25

26

27

28

⁶⁰ C.S. v Gjovik, 22-2-03849-7 SEA, (Appeal of Court of Limited Jurisdiction — Reversed & Vacated), King County Superior Court, State of Washington (2022); C.S. v Gjovik, 22CIV01704KCX, King County District Court, Court of Limited Jurisdiction, State of Washington (2022).

1 of a smirking teenager.⁶⁴

2 Can you still be admitted to the bar if you have had an anti-harassment judgement filed against
 3 you? Asking for Ashley Gjovik. [Photo of young girl at computer drinking soda & smiling
 4 mischievously] link: calbar.ca.gov/Admissions/Moral-Character/Guidelines”
@FirstNa47437596 February 11 2022.

5 259. The retaliatory lawsuit also was filed with the intention of preventing GjovikPl. from becoming a
 6 licensed attorney. GjovikPl. had a right to become an attorney and Apple& Def. egregiously interfered with
 7 that right. This was not only an implied threat, but anonymous social media accounts (clearly Apple)Def.)
 8 harassed GjovikPl. about exactly this. The same account also posted about Plaintiff: “honestlyPl.:
 9 “Honestly cannot believe this is being allowed to go on in public. She needs a conservatorship
 10 or something. Watching her go downhill live on Twitter seems irresponsible, but she won’t
 11 listen to anyone. Where is the family to step in and& help?” and& “If they read her TL they
 12 see that she’s a nutjob and& can’t even win a case on Twitter or Wikipedia, so they probably
 13 aren’t much concerned about her winning in a court of law.”

14 315-260. On April 17, 2022, a Telegraph profile was published about GjovikPl. titled “*Apple*
 15 *whistleblower Ashley Gjovik: ‘My life is a goddamn nightmare now’*”, and& the reporter posted the article on
 16 Twitter. Appleseed and J.A. & her friends then quickly replied to the post and& ‘quote-tweeted’ the post
 17 making allegations against Gjovik, and Pl., & making derogatory statements about Gjovik, and Pl., & harassing
 18 the reporter for writing about GjovikPl.. After Appleseed’s A.S.’s protest, The Telegraph changed the
 19 subtitle of the article about GjovikPl. from something positive to saying that what happened to GjovikPl. was
 20 the “*consequences of her actions.*” If GjovikPl. complained, Appleseed J.A. could try to have GjovikPl.
 21 incarcerated.

22 316-261. On June 8 2022, Appleseed (“SquareInARoundHole”) J.A. edited Gjovik’s Pl.’s Wikipedia
 23 article deleting over 8,0008000 characters and& accusing GjovikPl. of “libel” based on Gjovik’s Pl.’s
 24 accusations against Lisa Jackson and& Ronald Sugar. (account confirmed by Wikipedia to be Appleseed,
 25 and J.A. & had to be banned three times for vandalizing Gjovik’s Pl.’s public article). On January. 23 2023,
 26 after the retaliatory lawsuit against GjovikPl. was already dismissed and& vacated, Appleseed J.A. then filed
 27 another document in which she accused GjovikPl. of a variety of torts (defamation, harassment) and&
 28

⁶⁴ “Can you still be admitted to the bar if you have had an anti-harassment judgement filed against you? Asking for Ashley
Gjovik. [Photo of young girl at computer drinking soda and smiling mischievously] link:
https://www.calbar.ca.gov/Admissions/Moral-Character/Guidelines” @FirstNa47437596 February 11 2022.

1 criminal acts (criminal wiretapping, perjury), threatened to report GjovikPl. to the Bar Association, and
 2 threatened to sue GjovikPl. again. The next day AppleseedJ.A. posted on Twitter about GjovikPl., with
 3 some of the language as her legal filing:

4 “If you lack the moral fortitude to admit that you misrepresented, omitted, misquoted, or
 5 otherwise altered facts to exaggerate and fit a narrative... sincerely, don’t bother engaging
 6 in the public space. You will eventually be hit with a boomerang of your own making.” On
 7 Jan. 24 2023, J.A. replied to the post above & added “A YEAR OF THIS [EXPLETIVE] A
 8 YEARRRRRRRRRRR”. (sic)

9 ~~On January 24 2023, Appleseed replied to the post above and added “ J.A YEAR OF THIS [EXPLETIVE] A~~
~~YEARRRRRRRRRRR”.~~ (sic) Appleseed filed the lawsuit against GjovikPl. on January 31 2022 (a year prior)
 10 and was clearly referring to GjovikandPl. & threatening her with being “*hit*” if she did not leave “*the public*
 11 *space.*”

12 317.—AppleseedJ.A. harassed GjovikPl. on social media as well as many other mediums (Resp.
 13 Sup., ratification). The social media harassment started in late August and Aug. & early 2021, while both
 14 were still employees at Apple. Appleseed’sDef.. A.S.’s defamatory, intimidating, and harassing comments
 15 were posted publicly, and also sent privately to individuals who interacted with GjovikandPl. & expressed
 16 support for GjovikPl. Public posts usually were positioned as being based on some sort of inside
 17 informationinfo. from AppleDef. Global Security and/or HR (“I know something you don’t”), and H.R., &
 18 as if she was speaking on behalf of the company about GjovikPl. The content also revolved around animus
 19 over Gjovik’sPl.’s NLRB and other governmentgov. charges against Apple.

20 318.262. In FebruaryDef.. On Feb. 19 2023, Joanna AppleseedJ.A. contacted GjovikPl. with an email
 21 saying she knows GjovikPl. does not “*wish to hear from [her]*” and then proceeded to make more
 22 accusations against Gjovik, andPl., & compare their relationship to each other and Apple, & Def., to the
 23 movie “Annihilation.”

24 319.263. On March 2 2023 and for several days following, a Twitter account created specifically to
 25 interact with GjovikPl. about her claims about N-Methyl-2-pyrrolidone (“NMP”), “Sybil”, replied
 26 repeatedly to her posts. Sybil repeatedly claimed NMP is completely safe, not banned, and that Gjovik & Pl.
 27 was lying about the yellow clothes and rusty jeans, and it was occurring simply because GjovikPl. did not
 28 know how to do laundry properly. Even after blocking the NMP account, it continued to stalk Gjovik’sPl.’s
 posts and continue posting, next calling for Gjovik’sPl.’s account to be suspended due to supposedly
 spreading misinformation about NMP. Under information and info. & belief, Sybil was Apple.Def..

1 320:264. On March 11 2023, a fake account (“Comrade Jones”, sorry@butno.com) sent GjovikPl. an
 2 email claiming to be an ex-EPA compliance/enforcementcompl./enf. employee. The account attempted to
 3 get GjovikPl. to stop talking about the vapor intrusionV.I. documentation for 825 Stewart Drive and& tried
 4 to get GjovikPl. to stop talking about the NMP. The account made threats to intimidate GjovikPl. The IP
 5 came from a location known for spam accounts. Under information-andinfo. & belief, “Comrade Jones” was
 6 Apple.Def..

7 321:265. On May 13 2023, AppleseedJ.A. replied to her prior post ridiculing GjovikPl. with a new post
 8 that said “I’m a lawyer” with an image of a boy sticking a flute up his nose, implying that was GjovikPl.
 9 Between on May 13 – 15 2023, AppleseedJ.A. suddenly made around forty posts on Twitter that made
 10 negative remarks and& allegations against Gjovik. AppleseedPl.. J.A. included Gjovik’sPl.’s name and&
 11 other personally identifiable informationinfo. in several of the posts and& tagged Gjovik’sPl.’s
 12 acquaintances, and& even included images of the documents in Appleseed’sA.S.’s lawsuit against GjovikPl.
 13 so it was clear AppleseedJ.A. was posting about Gjovik—and AppleseedPl. – & J.A. also uploaded a video
 14 showing AppleseedJ.A. cyberstalking Gjovik. AppleseedPl.. J.A. “tagged,” among others, the Twitter
 15 accounts of the WashingtonWash. state AG’s office andUS& U.S. President Joe Biden.

16 322. Throughout the May 13-15 2023 posts, AppleseedJ.A. repeatedly referred to GjovikPl. as a
 17 “harasser”, called GjovikPl. a “liar,” and& accused GjovikPl. of perjury and& “*fabricating evidence,*”
 18 committing fraud, and& accused GjovikPl. of defamation, stalking, and& harassment. AppleseedJ.A. once
 19 again claimed Gjovik’sPl.’s pleas for AppleseedJ.A. to stop harassing her was some sort of criminal act by
 20 Gjovik. AppleseedPl.. J.A. also began vaguely accusing an acquaintance of GjovikPl. of perjury, lying,
 21 harassment, and& falsifying evidence.

22 323:266. AppleseedJ.A. posted that she had recently reported GjovikPl. to law enforcementandenf. &
 23 “*the proper authorities,*” and& the non-profit organizations EFF and& ACLU, and& invited any “*civil liberties*
 24 *group or attorneys*” to contact her about GjovikPl. (May 13-15 2023, Twitter, AppleseedJ.A.S.).

25 324:267. On May 26-27 2023, AppleseedJ.A. attempted to contact GjovikPl. through a third-party (a
 26 current AppleDef. employee domiciled in another country) and& conspired with him and& attempted to get
 27 GjovikPl. on the phone with her without GjovikPl. knowing it would be AppleseedJ.A. on the other line.
 28 When GjovikPl. saw through the plan and& complained to the third-party, that person explained
AppleseedJ.A. wanted to talk to GjovikPl. about Gjovik’sPl.’s evidence against

325:268. AppleseedJ.A. contacted one of Gjovik’sPl.’s friends via LinkedIn, identifying herself as

1 “*Apple Global Security*,” ~~and~~ trying to learn about ~~Gjovik’s Pl.’s~~ “*friends or family*,” claiming she wants to
 2 “*help*” ~~Gjovik, and Pl., &~~ admitting she has been extensively cyberstalking ~~Gjovik Pl.~~ (May 31 2023,
 3 LinkedIn, ~~Appleseed~~ A.S.).

4 **Outrageous Per Se**

5 326.—~~Apple Def.~~ mailed ~~Gjovik Pl.~~ a package with her personal effects from her desk, with a
 6 shipping notice on Sept. 29 2021. ~~Gjovik Pl.~~ asked on Twitter what they thought ~~Apple Def.~~ was mailing her
 7 ~~and~~ one account, ~~BabyHummingbird~~, later revealed to clearly be associated with ~~Apple Def.~~ public relations
 8 or global security, posted an image from a movie implying that ~~Apple Def.~~ had mailed ~~Gjovik Pl.~~ the severed
 9 head of one of her loved ones.

10 327.269. ~~BabyHummingbird was the account who threatened Gjovik that Apple was mailing her a The~~
 11 ~~box with the severed head of one of her loved ones, but it~~ really contained ~~her Pl.’s~~ possessions from her desk
 12 trashed ~~and~~ covered in glass shards, ~~and~~ a bug planted in one of her items of décor. 18 U.S. ~~Code C.~~ §
 13 876. The account only posted to ~~and~~ /about ~~Gjovik, and Pl., &~~ its first “like” was an ~~advertisement~~ ~~ad~~ that
 14 read, “*Apple’s back better than ever!*” ~~BabyHummingbird~~ It also liked posts about ~~Gjovik Pl.~~, including ~~the~~
 15 “*don’t get Gjovik’d*” ~~posts Pl.’d.~~”

16 328.270. ~~Apple Def.~~ broke ~~/~~ & destroyed ~~Gjovik’s Pl.’s~~ possessions from her desk ~~and~~ mailed them to
 17 her and/or packing ~~Gjovik’s Pl.’s~~ items to ensure they are broken in transit (~~Gjovik Pl.~~ received a box with
 18 rocks ~~and~~ broken glass on Sept. 30 2021). Inside the package, which arrived on Sept. 30 2021, planted
 19 inside one of her personal items (a gifted statue that ~~says read~~ “*sue the [expletive]!*”) was some sort of
 20 electronic device, assumably a listening device. There were three highly suspicious “call-drops” during
 21 phone calls at ~~Gjovik’s Pl.’s~~ home over a period of ten days in 2022. They occurred ~~at on~~ May 16 2022 at 6:29
 22 PM PST, May 24 at 2:03 PM, May 26 at 1:59 PM. One of the calls was interstate, ~~and~~ another was
 23 international. The third call was with the Santa Clara County DA’s office. These drops led ~~Gjovik Pl.~~ to
 24 discover hacking on her network on May 28 2022, ~~and~~ then the bugged objects in her home on May 29
 25 2022, including the statue from her desk.

26 329.—~~Gjovik Pl.~~ called the Santa Clara city police on May 31, 2022 [re: report 2205310079] to report
 27 the listening device ~~Apple Def.~~ planted in her chattel property ~~and~~ the call drops, internet interference that
 28 led to her to search her items for bugs, ~~and~~ the attempted break-in. The police took possession of the statue.
~~Gjovik Pl.~~ later found her fake fig tree was also producing ~~RF and EMF~~ R.F. & E.M.F. signals ~~and~~ threw it
 in the trash ~~and~~ complained on Twitter about it.

1 330-271. Gjovik Pl. contacted the FBI May 30 2022 to report hacking ~~and~~ the bugged object. The
 2 FBI agent she talked to advised Gjovik Pl. to give the object to the local police. Several hours later Gjovik Pl.
 3 heard someone trying to break into her apartment through the front door. Gjovik Pl. posted on Twitter about
 4 it, blaming Apple Def..

5 331-272. Apple Def. stalked Gjovik Pl. in ~~California and New York~~ Cal. & NY, sending people to sit
 6 outside her apartment, to follow her around, ~~and~~ take photos/videos of her inside her home from outside
 7 the windows. [Cal.Pen.C. §§ 647(h), 647(i)]. Apple Def. repeatedly broke into Gjovik's Pl.'s home in at least
 8 the state of California Cal. [Cal.Pen.C. §§ 459, 602.5].

9 332-273. Gjovik Pl. called the Santa Clara city police on August 9, 2022 [re: report 2208090087] to
 10 report Apple Def. breaking into her attic ~~and~~ installing some sort of electronic equipment. After Gjovik Pl.
 11 reported the attic situation to law ~~enforcement~~ enf. the police said they would come by the next day to create
 12 the report. Gjovik Pl. left her home to run an errand. When Gjovik Pl. returned, the day before the police
 13 were to arrive ~~and~~ search her attic, she found two signs that someone had broken into her apartment ~~and~~
 14 entered the attic. First, her dog's belly smelled strongly of cigarettes despite him not leaving the apartment
 15 while she was gone ~~and~~ Gjovik & Pl. not smoking cigarettes. After noticing the odor, Gjovik Pl. quickly
 16 inspected her closet where the entrance to the attic is ~~and~~ found attic insulation stuff on the floor despite
 17 having just vacuumed before she left. Under ~~information and info.~~ & belief, Apple Def. broke into
 18 Gjovik's Pl.'s apartment again, this time to retrieve whatever they installed in her attic, before law
 19 ~~enforcement~~ enf. arrived.

20 333.—Apple Def. surveilled Gjovik and Pl. & even bugged her property, including, apparently,
 21 directly intercepting her home internet. [Cal.Pen.C. §§ 591, 632(a)].

22 334-274. Apple Def. trespassed on Gjovik's Pl.'s back porch in Boston, Massachusetts at some point
 23 between 1am ~~and~~ 7am before her first day of work at her new job (Sept. 28 2023), leaving the door wide
 24 open to show someone had been inside. (This never happened again after & Gjovik Pl. complained to Tim
 25 Cook about it when she filed this lawsuit).

26 Injuries ~~and~~ Impact

27 335.—Apple's: Def.'s conduct was not mere insults, indignities, threats, annoyances, petty
 28 oppressions, or other trivialities. Apple's Def.'s misconduct towards Gjovik Pl. was/is extreme, outrageous,
 persistent, ~~and~~ omnipresent. Apple's Def.'s conduct left Gjovik Pl. fearing for her safety, her dog's safety,
 the integrity of her electronics ~~and~~ utilities, ~~and~~ the safety of her chattels – that Gjovik Pl. was confined

1 to her home. GjovikPl. was and& is under a justified belief that leaving her house or even failing to secure
 2 entry to her home properly would place her in danger, and& she could be killed. GjovikPl. was and& is under
 3 a justified belief that leaving her dog at home unattended could result in harm to her dog and& that AppleDef.
 4 could kill him. ~~⁶² Apple did handle him during one of the break ins, leaving a strong odor of cigarettes on his~~
 5 ~~little body.~~

6 336.275. Apple Def. could have acted with some decency and& reserve. Still, instead, AppleDef.
 7 bugged Gjovik'sPl.'s objects and& home, sent her possessions to her in a box with broken glass and&
 8 threatened it could contain a severed head, sued her for reporting criminal conduct, reported her to law
 9 enforcement, enf., repeatedly threatened to “ruin” and& “destroy” her, and& even sent her emails
 10 pretending to be governmentgov. employees threatening her to stop speaking about Apple's-chemicalDef.'s
 11 chem. leaks. [18 USC § 912; April 2023; reported to FBI and U.S.& EPA]

12 337.276. When GjovikPl. explains to people what AppleDef. has done to her when she shows them
 13 Apple'sDef.'s communications and& exposure records and& shows them the evidence she gathered of their
 14 ~~physical~~ intrusions and& harassment, the default response is not simply to shake their heads with
 15 disappointment. No, it is to exclaim something such as “*Outrageous!!*” Further, these actions caused fear in
 16 those around Pl. & in Pl. herself. Pl. has lost many friends through this & she cannot blame them as Def.'s
 17 menacing is smoke from the fire of actionable threats of violence & mayhem. Def.'s tortious conduct evinced
 18 an indifference to or a reckless disregard for the health & safety of others; Pl. had financial & medical
 19 vulnerability; the conduct involved repeated, systemic actions & schemes; & the harm to Pl. was the result
 20 of Def.'s intentional malice, trickery, & deceit.

21 ~~338.—Further, these actions have caused fear in those around Gjovik and in Gjovik herself. Gjovik~~
 22 ~~has lost many friends through this—and she cannot blame them as Apple's menacing is smoke from the fire~~
 23 ~~of actionable threats of violence and mayhem. Apple's tortious conduct evinced an indifference to or a~~
 24 ~~reckless disregard for the health and safety of others; Gjovik had financial and medical vulnerability; the~~
 25 ~~conduct involved repeated, systemic actions and schemes; and the harm to Gjovik was the result of Apple's~~
 26 ~~intentional malice, trickery, and deceit.~~

27 _____
 28 ⁶² ICAN, Stalking, “Though dogs provide a valuable service as a security agent for our homes, please be advised that a stalker may harm your animals. If you have a dog, make sure that you keep it indoors when you are not home and that you have a secure environment for it when you are home.”

339.—As documented in legal filings, emails, ~~doctor dr.~~ appointments, ~~and~~ therapy sessions throughout these two years – GjovikPl. has suffered severe insomnia, nausea from stress to the point of vomiting, extreme depression requiring anti-depressants due to suicidal ideation, ~~and~~ crying uncontrollably for hours every day. GjovikPl. suffers from paralyzing anxiety, ~~and~~ it has been difficult even to get up ~~and~~ walk around, with GjovikPl. generally spending all day in some form of the ‘fetal position.’ GjovikPl. has alternated between overeating ~~and~~ undereating but overall gained over sixty pounds in 2020-2022.

340:277. Apple’sDef.’s conduct, of course, left GjovikPl. with “*discomfort, worry, anxiety, upset stomach, concern, and agitation.*” However, as a direct ~~and~~ proximate result of Apple’sDef.’s conduct, GjovikPl. also experienced overwhelming anguish, illness, “*shock, horror, nausea, fright, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment.*” Apple’sDef.’s conduct resulted in PTSD ~~and~~ anxiety symptoms. GjovikPl. suffered depersonalization ~~and~~ derealization.

341.—On Dec. 26 2021, GjovikPl. posted on Twitter about her intention to pursue a Dodd-Frank ~~and~~ witness retaliation claim against Apple.Def. On or around Jan. 10 2022, GjovikPl. filed complaints about witness intimidation ~~and~~ witness retaliation to U.S. NLRB, the U.S. ~~Dept. of Labor, and DOL,~~ & the Cal. ~~Dept. of Labor.~~ GjovikDOL. Pl. drafted several legal documents, including a legal brief, image exhibits, ~~and~~ a detailed dossier containing the accounts ~~and~~ posts GjovikPl. believed to be Apple.

342:278. Def. On Jan. 25 2022, GjovikPl. emailed the U.S. NLRB about her Jan. 10, 2022, witness intimidation charge ~~and~~ attached a 77-page rough draft of the Evidence Report. On Jan. 31 2022, GjovikPl. posted on Twitter that she planned to submit her legal filings about witness intimidation to the USU.S. Dept. of Justice ~~and~~ the whistleblower ~~and~~ labor agencies. GjovikPl. commented that Apple’sDef.’s actions were criminal. GjovikPl. testified to the U.S. NLRB about it on Feb. 10, 2022. GjovikPl. also contacted the Santa Clara District Attorney’s office about the developments with Apple,Def., complaining about witness intimidation ~~and~~ witness retaliation on Feb. 21 2022, ~~and~~ Dec. 15 2022. Yet, AppleDef. continued with the harassment, unphased.

343:279. AppleDef. abused its position of power over GjovikandPl. & exploited that power differential in its campaign of terror against GjovikPl. enlisting multiple employees ~~and~~ other agents to carry out their scheme. AppleDef. has extreme power ~~and~~ control over GjovikandPl. & its other employees as one of the world’s largest ~~and~~ most influential companies. Apple’sDef.’s conduct was despicable, base, vile, ~~and~~ contemptible, ~~and~~ subjected GjovikPl. to cruel ~~and~~ unjust hardship. It was carried out with a willful ~~and~~

1 conscious disregard for Gjovik's Pl.'s rights and safety. Through all this, Apple Def. went out of its way to
 2 act like deranged maniacs whose conduct exceeded all bounds of decency usually tolerated by society. But
 3 this is not new for Apple Def.. CNN described working at Apple Def. as "*a brutal and unforgiving place*"
 4 and even after employees leave, "*the fear of retribution persists for years*" resulting in silence about what
 5 occurred during their employment.⁶³ A Gawker reporter described the culture of working at Apple Def. as
 6 "*bullying, manipulation and fear*" and described Apple's Def.'s leadership as "*rude, dismissive, hostile,*
 7 *spiteful,*" and "*deeply disturbing.*"⁶⁴

8 **280. Statute of Limitations:** The statute of limitations for IIED claims under California Cal. state law is
 9 two years from the date of injury and under New York NY state law it is one year from the act. Gjovik Pl.
 10 lived in California Cal. until Aug. 31 2022 and then lived in the state of New York NY from Sept. 1 2022 up
 11 to the date the complaint was filed on Sept. 7 2023. The New York NY statute of limitations covers
 12 Gjovik's Pl.'s presence in New York NY from Sept. 7 2022 through Sept. 7 2023. The California Cal. statute
 13 of limitations cover's Gjovik's Pl.'s presence in California Cal. from Sept. 7 2021 through Sept. 1 2022.⁶⁵
 14 Apple (Pl. also reserves the right to claim IIED under Massachusetts law if Def. continues inflicting
 15 emotional distress upon her through the trial).

16 344.281. Def. terminated Gjovik's Pl.'s employment on Sept. 9 2021 and thus only two days fall
 17 within this IIED claim's coverage, and Gjovik's Pl.'s allegations in the claim do not include any
 18 employment actions or other conduct which w could be subject to Worker's Compensation
 19 regulations Comp.

20 PRAYER FOR RELIEF

21 WHEREFORE, Gjovik Pl. prays that this court enter judgment in her favor on each and every claim for relief
 22 set forth above and award its relief, including, but not limited to, the relief as follows:

- 23 i. A Judgment entered in her favor, and an award of damages in an amount to be determined at trial.
- 24 ii. Employee whistleblower's "make whole relief" with compensatory damages, including lost wages (back
 25 pay, lost benefits, lost bonuses and pay raises, lost stock grants and vesting, etc.). This should include a
 26

27
 28 ⁶³ CNN Money, *How Apple works: Inside the world's biggest startup*, August 2011.

⁶⁴ Ryan Tate, *What Everyone Is Too Polite to Say About Steve Jobs*, Gawker, October 2011.

⁶⁵ Gjovik also reserves the right to claim IIED under Massachusetts law if Apple continues inflicting emotional distress upon her through the trial.

1 refund of Gjovik's Pl.'s use of Vacation and Sick days in response to Apple's Def.'s misconduct and
 2 negligence, payment of those days, and removing negative records from her personnel file.

3 iii. Reinstatement of employment at a prior or higher level, with reestablishment of benefits and seniority,
 4 and promise of a respectful and health workplace. If that cannot be provided – then at least ten years of
 5 front-pay, or up to retirement age.

6 iv. Compensatory damages for pecuniary harm, including lost future wages, lost benefits, lower earning
 7 capacity, past and future medical expenses, counseling, medication, physical and digital security expenses,
 8 reputation management expenses, mental/emotional injury (PTSD, anxiety, depression, insomnia,
 9 disordered eating); property damage, degradation, and conversion; and moving costs to relocate.

10 v. Compensatory and special damages for non-pecuniary harm, including emotional distress,
 11 humiliation, loss of enjoyment, annoyance, discomfort, inconvenience, disfigurement, pain and suffering,
 12 mental anguish, and reputational harm. Gjovik Pl. now suffers from permanent psychological trauma and
 13 damage because of Gjovik's Pl.'s actions. Gjovik Pl. is entitled to compensation for any special damages she
 14 suffered resulting from Apple's Def.'s outrageous and defamatory acts.

15 vi. Compensatory damages for the injury suffered to Gjovik's Pl.'s body, mind, and property by
 16 Apple's Def.'s nuisances and ultrahazardous activities, including cost to replace clothing and other chattel
 17 property that were destroyed by Apple's Def.'s tortfeasage. Costs for medical monitoring and medical
 18 intervention for any lifetime illnesses attributable to exposure to the chemicals Apple Def. exposed her to.

19 vii. Consequential, expectation, reliance damages, where applicable.

20 viii. A civil penalty of \$10,000 per employee for each violation of Cal.Lab.C. § 98.6 and § 1102.5. (If this
 21 request prevents other damages, this request may be waived).

22 ix. Punitive damages for all available claims (*Tamney*, Cal.Lab.C § 1102.5, Nuisance, and IIED), with
 23 amount to be determined at trial.

24 x. Declaratory relief stating Gjovik Pl. is a Crime Victim under federal and state law, so Gjovik Pl. can be
 25 afforded her relevant rights.

26 xi. Litigation costs, expert witness fees, pro se attorney's fees, and other reasonable expenses. Pre-
 27 judgment and post-judgment interest. Offset for tax bracket increase due to lump sum payment.

28 xii. Where no damages or other relief are available, entry of declaratory relief and nominal damages of
 \$1.00 (or \$2 or \$3 where double or treble damages apply).

1 xiii. Such other ~~and~~ further relief as the Court deems just ~~and~~ proper.

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3 Plaintiff hereby requests a trial by jury on all issues so triable.

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CERTIFICATION AND CLOSING

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345.282. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my

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knowledge, information, and belief that this complaint is not being presented for an improper purpose, such

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as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; is supported by existing

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law or by a nonfrivolous argument for extending, modifying, or reversing existing law; the factual contentions

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have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable

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opportunity for further investigation or discovery; and the complaint otherwise complies with the

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requirements of Rule 11. I agree to provide the Clerk's Office with any changes to my address where case-

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related papers may be served. I declare under penalty of perjury under the laws of the United States of

13

America that the foregoing is true and correct.

14

15 Dated: Nov. 720 2024

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17 Respectfully submitted,

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26 /s/ Ashley M. Gjovik

27 *Pro Se Plaintiff*

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